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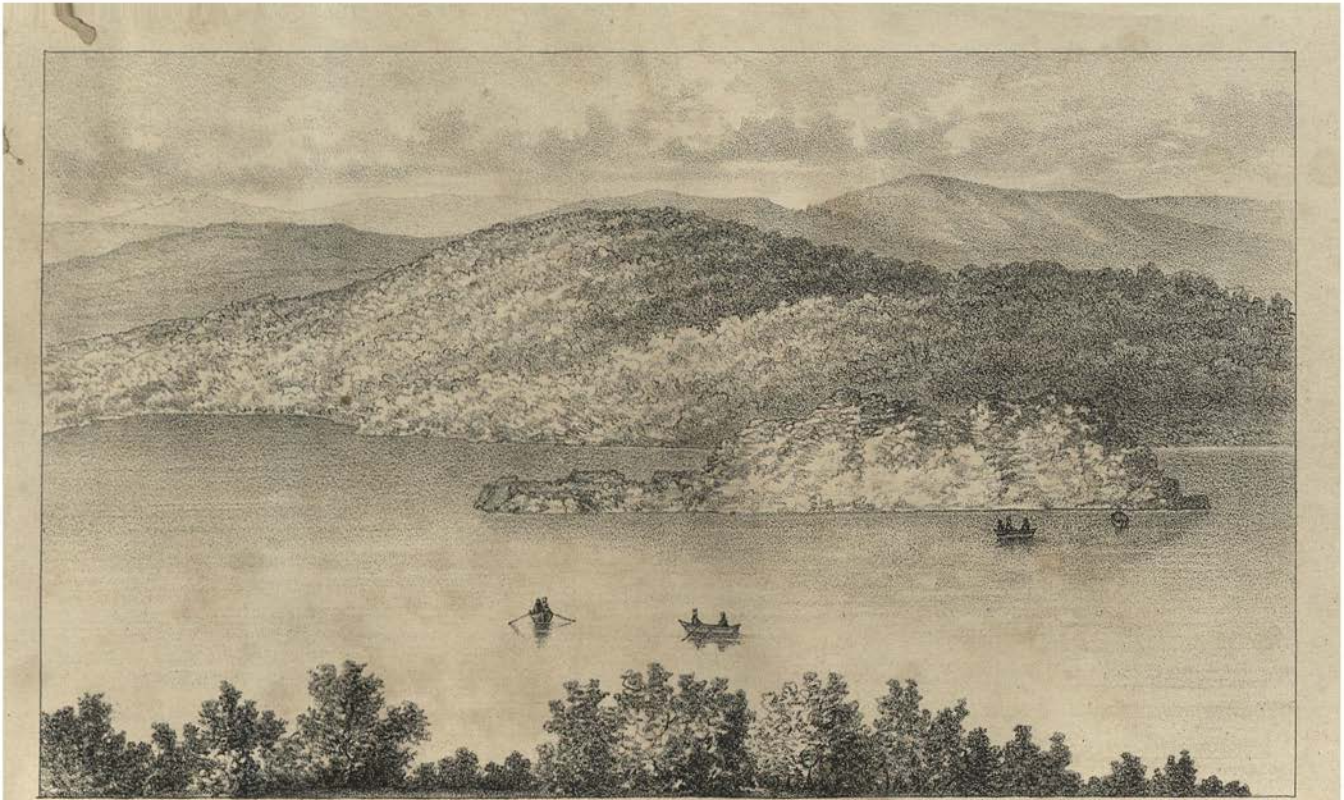

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SITE OF THE KING'S CASTLE OF LOCHNAW FROM THE CRAIGHEAD.

THE AGNEWS OF LOCHNAW

A HISTORY

OF

THE HEREDITARY SHERIFFS OF GALLOWAY

B 721

WITH

CONTEMPORARY ANECDOTES, TRADITIONS, AND GENEALOGICAL NOTICES OF OLD FAMILIES OF THE SHERIFFDOM 1330 TO 1747

BY

SIR ANDREW AGNEW, BART., M.P.

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EDINBURGH: ADAM AND CHARLES BLACK

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PRINTED BY R. AND R. CLARK, EDINBURGH.

TO

JOHN, VISCOUNT DALRYMPLE,

LORD LIEUTENANT AND SHERIFF-PRINCIPAL

OF THE COUNTY OF WIGTOWN,

THESE RECORDS OF AN EARLIER JURISDICTION IN

"THE SHIRE OF GALLOWAY,"

ARE DEDICATED BY

HIS NEIGHBOUR AND VERY SINCERE FRIEND

ANDREW AGNEW.

LIST OF ILLUSTRATIONS.

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PREFACE.

Tame were the ither Scots to them;
The Southron loons they lo'ed to claw—
Our grand forbears o' auld lang-syne,
The wild Scots o' Gallowa'.

M'TAGGART.

THE name of Galloway, once so well known across the Borders, has been so *entirely* ignored by modern geographers, that it may be well to mention that the province so called comprises the counties of Wigtown and Kirkcudbright. In very early times its bounds extended to the water of Doon on the north, and some way into Dumfriesshire on the east; but its limits for many centuries have been restricted to those of the two former counties. From time immemorial Wigtown has been a sheriffdom, whilst Kirkcudbright, until two years ago, has been under the jurisdiction of a steward (whose duties, however, were entirely identical with those of a sheriff); owing to which the true Gallovidian to this day seldom speaks of "Wigtown" or "Kirkcudbright," but talks of his native district as Galloway, distinguishing the former county as "the Shire" and the latter as "the Stewartry." In the days to which this volume refers, the Sheriffs of Wigtown were invariably, in familiar

intercourse, styled Sheriffs of Galloway, and custom so far prevailed over technicality that, although the designation "of Wigtown" is to be found in their original commissions, they are addressed, nevertheless, in many royal proclamations, official letters, and even in Acts of Parliament, as "Sheriffs of Galloway."

On the title-page, consequently, the style has been adopted by which these old Sheriffs were known to their contemporaries, and which, even now, runs the smoothest in native ears.

Our best genealogists—such as Crawford, Douglas, and Playfair—are not to be implicitly trusted in the matter of Galloway descents; and as for Chalmers—high authority as his learned work, the *Caledonia*, is generally supposed to be—not only is he inaccurate in various particulars as to almost every individual Sheriff of Wigtown, but his book is really as remarkable for its omissions as for its errors in all that concerns Wigtownshire. I am well aware that so audacious an assertion cannot be allowed to pass without some explanation, and I will endeavour to vindicate my own pretensions to correctness.

I am far from wishing to depreciate the merits of any of the authors referred to; but, in the prosecution of researches over a very limited range, I am obliged to pick holes in sundry small corners of their works. It is generally understood (and pretty evident from his own remarks) that Chalmers of the *Caledonia* was never in Wigtownshire. He is said to have trusted for all his information as to Galloway to Mr. Joseph Train, an intelligent [illegible] much devoted to antiquarian re-

search; but Mr. Train, again, resided principally at Newton-Stewart, and never acquired a personal knowledge of the Rhinns, and he in his turn applied for information from that quarter to Mr. Todd, parish-schoolmaster at Drumore. Both of these persons were thoroughly trustworthy, and had a decided turn for such inquiries; but they had no access to the family papers of the representatives of the old baronage of the province. The same remark holds true of the learned professional genealogists before mentioned. Two generations back, locomotion and correspondence were tedious matters, and moreover, country gentlemen were seldom disposed to allow literary men to handle their old writs, which they jealously guarded in strong boxes, rarely as they themselves had any accurate knowledge of their contents.

It is told of my respected great-grandfather, Sir Stair Agnew, that about the beginning of the century, Chalmers or Playfair applied to him for permission to look into his charter-chest, to which he replied by a peremptory refusal. A neighbour and distant relative pleaded hard for the antiquary, offering to assist at the examination, adding that he should like to see the history of his friend's family and of his own appear together, owing to their intimate connection. "Sir," sternly replied the testy old knight, "take what liberties you please with your own family; but take none with mine!" This little story may help to explain the reason of the unusual incorrectness of our old genealogists in all that concerns Wigtownshire pedigrees.

For myself, on the contrary, whilst the area of my

inquiries was limited, I had at my command a mass of family papers never before systematically examined, and was kindly given access to the charter-chests of many of my neighbours. General M'Dowall of Garthland courteously placed at my disposal a variety of interesting family documents, amongst which was a MS. folio volume, written in Galloway, by Crawford the antiquary, early in last century, containing a continuous history of the Garthland family. A most interesting document was also sent to me by the late Mr. Adair of Genoch, being an account of the Adair family, copied by his grandfather in 1760; compiled from original papers of Sir Robert Adair of Kilhilt, whose family played a prominent part for the four previous centuries in Galloway history. I have also gratefully to acknowledge valuable communications from many friends on matters in which their authority is unimpeachable.

I have quoted freely from the Acts of the Scottish Parliament, which not only very clearly define the duties of the Sheriffs, but are highly interesting as reflecting the ideas held by our ancestors on political economy, as well as affording glimpses of the state of society, the disorders of which they were intended to regulate. These extracts are usually made from the folio edition of Sir John Murray of Glendook, the identical volume so used having been the property of no less than three of the hereditary Sheriffs; and bearing unmistakeable evidence of having been a well-used handbook.

I have only, in conclusion, to express an anxious hope that the publication of any of the incidents now brought

to light, whether grave or gay, may not occasion annoyance to the descendants of the families concerned. If I am open to the charge of being over communicative—more frank than considerate—I may at least claim to be declared free from favour and partial affection, as I have certainly not spared my own "forbears," but have inexorably shown up their misdoings whenever they have been detected. My story, moreover, closes at a distance of one hundred and twenty years ago; and I think it may be admitted that traditional tales, all dating from a period previous to 1747, can no longer be claimed as private or personal, but may fairly be considered to belong to history.

LOCHNAW, *24th April* 1863.

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CHAPTER I.

INTRODUCTION.

There is a history in all men's lives,
Figuring the nature of the times deceased:
The which observed, a man may prophesy,
With a near aim, of the main chance of things
As yet to come to life; which in their seeds,
And weak beginnings, lie entreasured.

SHAKSPEARE—*Henry IV.*

SITTING alone one rainy morning in the winter of 1860 in the library at Lochnaw, carelessly turning over the pages of an old volume, we encountered this quaint sentence—"Our fathers find their graves in our short memories, and sadly tell us how we may be buried in those of our survivors."[1] Under the influence of the train of thought to which these suggestive words had given rise, a large old charter-chest was ordered up from the thickly-arched fire-proof repository of the family archives; and a cartload of musty papers was soon exhumed which for many a long year had lain there undisturbed.

A curious medley they were—Sasines, infeftments, summonses, discharges, letters of horning, inhibitions, informations, bonds, precepts of clare constat, marriage-contracts, reliefs, wills, tacks, commissions, rentals, acts of parliament, processes, and all sorts of papers connected with the proceedings of the sheriff courts; memoranda; charters under the great seal, and charters from bishops, abbots, and commendators, with much greater seals—the size of the seal and roll of parchment often being in the inverse ratio of the value of the grant. In such treasures we presently found ourselves knee-deep.

[1] Sir Thomas Brown.

To read them at first appeared little short of the impossible; but during many months the deciphering process was perseveringly continued, and gradually many facts of family interest, and some even historically curious, were recovered from oblivion.

Our curiosity having been excited, the next step was to turn to history for explanation of many of the incidents to which a clue had been thus obtained; and to accomplish this thoroughly, it became necessary to dig deep amongst the stores of the British Museum, to explore the recesses of the State Paper Office, and to read diligently the publications of the Record Commission, as well as Parliamentary and early criminal records—extracting carefully from these any notices of the Sheriffs of Galloway which seemed worthy of preservation.

And now, the taste for old papers growing with its indulgence, a longing seized us to peep into other chests from which to gather more notices of these same worshipful Sheriffs and their connections; no sooner was this reasonable desire expressed, than, by the kindness of neighbours, a ready access was afforded us to all such deposits of domestic records as had survived the ravages of time. From all these sources combined, materials have been obtained sufficient to enable us to give a tolerably continuous history of the hereditary Sheriffs of Wigtown, from the accession of David II. to the final abolition of heritable jurisdictions in 1747.

To illustrate the times in which they flourished tradition has been invoked, and a few strange tales and legends have been gathered in the country-side, and from old authors. Some of these, to matter-of-fact persons, may seem foolish enough, but to ourselves, as genuine Galloway traditions, they are interesting as reflecting the habits of thought of our ancestors, and as throwing some light upon their customs.

It has sometimes become our ungracious duty to point out the mistakes of those who have been usually accepted as authorities, but in doing so we are well aware that, notwithstanding all the pains that have been taken to ensure minute accuracy, we cannot have escaped being sometimes ourselves in error.

It is not without diffidence that we offer to the public the result of researches having principally for their object to collect memoirs of a single county family of no great importance or pretension. But so many of the papers of the Agnews of Lochnaw refer to the office of Sheriff, that they throw more light on the humours of the sheriffdom than the usual contents of a family charter-chest; and so many blanks exist in Galloway history, that some of the incidents here collected may serve to supply their place.

Let us strongly recommend any gentle reader to dip no further into these pages unless he has an insatiable appetite for antiquarian gossip, fortified by a romantic interest in the history of those ivy-grown towers whose ruins dot the hills and moors over which he (perhaps like ourselves) has roamed in childhood, and over which our own children are now ranging in their turn. He must, moreover, not only sympathize with our desire to rescue the rapidly-disappearing traditions of our native land from entire oblivion; but in appreciating the attempt to do so, he must be prepared to extend a generous indulgence to its very indifferent execution.

Thus deprecating unfriendly criticism, and disclaiming all pretension to literary merit; to all disposed to persevere in the study of our volume, we will say, in the words of good old Andrew Symson, the father of Galloway history :—

"And now, reader, if after this fair advertisement thou wilt yet adventure to peruse it, upon thy own peril be it, for whether it will please thee or displease thee I know not.

"If thou art but tolerably well pleased with it I shall be very well pleased; but if thou be displeased at it I cannot help it now, unless I should destroy the whole impression, which I am not inclined to do; but am content to run the fate of other books, to be censured as people's fancies lead them."

CHAPTER II.

THE AGNEWS IN FRANCE.

And Heralds stickle who got who,
So many hundred years ago.—BUTLER.

THE Agnews (anciently d'Agneaux) of Lochnaw are of Norman descent, and members of a family which were moderately numerous in France from the ninth to the sixteenth centuries, although they are now entirely extinct in the country which was the cradle of their race.

As early as the tenth century knights of the name swelled the ranks of French chivalry, acquired landed estates in several French provinces, and their heraldic achievements are to be found recorded in the rolls of the ancient nobility of Normandy, Burgundy, and Provençe.

The Agnews are first heard of as inhabiting the neighbourhood of Caen; and we learn from French genealogists that the estates of Agneau de l'Isle (the first progenitor on record of the Sheriffs of Galloway) lay in the arrondissement of Bayeux;[1] he being Lord of l'Isle and Auval. His heraldic bearing was Three Holy Lambs on an azure shield; he seems also to have been

[1] "La maison d'Agneaux tire son origin des Bailliages de Caen ou du Coutentin." —*Dictionnaire de la Noblesse.*

"D'Agneaux, Sieurs de l'Isle et d'Auval. Ancienne noblesse. Election de Bayeux. Porte, d'azur, à trois agneaux d'argent, 2 en chef et 1 en point."—*Dictionnaire Genealogique, Heraldique, etc.*, Duchesne.

"This ancient family are originally of French descent, and were seated in Normandy, where they bore the name of Agneau, about the latter end of the tenth century."—Playfair's *British Family Antiquity.*

M. Aubert de la Chenaye des Bois, Pierre Palliot, Hozier, etc., give us various orthographies of the name—Agneau, Agneaux, Agneux, Aignëux, Aigneaux, Aignel. Latinized—Agnelli, Agnella, Agnellus; and modernized Agneu, Agnieu, Agnew.

entitled to carry two "bars vert on a golden shield, surrounded by an orle of martletts" as Lord of Auval. This latter achievement, carried first as an addition, was soon afterwards adopted in place of the original bearing of the family by his descendants—these gentlemen probably considering the Holy Lamb as too peaceful an emblem for such restless adventurers.

From Agneau de l'Isle sprang various families, which severally prospered; four of whom held seignorial fiefs in Normandy, a fifth in Burgundy, and a sixth branch was seated in Provençe.

Sir Philip d'Agneau, the heir of line of the senior branch, was created a Banneret[1] for military service, A.D. 1228[2]—another Sir Philip (probably his father) and a Sir William Agneau being mentioned by an old French author as knights both living in the year 1223. We find also a Sir John d'Agneau named as one of the companions of De Harcourt,[3] Admiral of France, in a voyage which he undertook, A.D. 1295; whose arms being similar to Sir Philip's, we may fairly infer that he was his lineal descendant: whilst again, in the book of Achievements, drawn up by command of Charles V. of France in 1368, the same device is given as the coat armour of a Sir Fulke,[4] and a Sir William d'Agneau; both then living.

An offshoot of the same stem,[5] Agneau, Lord of Alencourt, adopted as his arms three crescents gules upon a shield of gold.

Both these crescents and the orle of martletts, before mentioned, being, we are told, especial indication of good service done against the infidels, or of long voyages of discovery and

[1] Memoirs de M. Bigot-sous-Mesnil.

[2] "Il y a titre de l'an 1228, qui parle messire Philippe d'Agneaux, Chevalier Banneret. Les armes sont d'or, a deux fasces de sinople, accompagnees de sept ou huit merlettes de gueules, et mises en orle."

[3] "Jean de Harcourt was Marshal of France under Philip the Hardy, and Admiral of France under Philip le Bel."

[4] "Foulques d'Agneau chevalier"—de la Chenaye des Bois.—*Dict. de la Noblesse.*

[5] "D'Agneau d'Alencourt porte d'or, a trois croissans montans de geules."—*Dict. Genealogique, Heraldique, etc.*

adventure.[1] Guillim, however, with droll gravity, remarks, "This bird (the martlett), which is represented without feet, is given for a difference to younger brothers to put them in mind that in order to raise themselves they are to look to the wings of virtue and merit, and not to their legs—having but little land to set their feet upon!" So much for martletts.

One line of Agneaus ended in two co-heiresses who carried their lands to other names. We get an accidental peep at the moat and ruined keep once inhabited by these Agneaus, in royal letters under the great seal, giving a certain Jean Osmond, Seigneur de la Roque, permission (in 1361) to rebuild the castle, now fallen to decay, belonging of old to the Agneaus; and also granting to him all the manorial rights which had been exercised by that family, then become extinct.[2]

Some descendants of other branches of the Norman lines were not unknown to literary fame. In the reigns of the third and fourth Henrys of France, Robert and Antoine d'Agneau, two brothers, were accomplished scholars, and were the first Frenchmen who attempted translations of the classics in French verse. They published an edition of Virgil (in French) in 1582, and an elegant translation of the odes of Horace in 1588, both by permission dedicated to the king, which were favourably received by the critics of the day.[3]

[1] "Les merlettes marquent les voyages d'outremer parce qui ce sont des oiseaux qui passent les mers tous les ans. On les a representer sans bec et sans pieds pour signifier les blessures qu'on avoit reçues."

[2] "Un certain fief noble situè dans la Vicomte d'Auge, avoit ete partage entre deux sœurs . . . ou estoient alors le manoir et motte dudict fief . . . mais comme lesdicts motte et manoir estoient entierement demolis et ruinés, sa majeste permettoit et accordoit Jean Osmond, Seigneur de la Roque, du Mesnil Eude, du Castelier de Creully e d'Asay, de faire edifier de nouveau audict Fief de la Roque et sur la place ou demourient feux *Henri d'Agneau et Jehan d'Agneau son fils, Chevaliers*, un manoir en la forme et maniere qu'estoient lesdicts manoir et motte anciens—pour raison desquels il auroit les services de motte et de manoir de tous les hommes dudict fief comme au temps qu'existoient les dicts premiers motte et manoir. . . . .

"Scelleés du grand sceau au cire verte sur laqs de soie rouge et verte."—*Armorial General de la France*, D'Hozier.

[3] "Ces traductions furent tres-gôutées á l'epoque ou elles parurent."—*Hist. Biog.*, M.M. Jourigny et du Gouget.

Another member of the family, not so wise, took to alchemy, and wasted his patrimony in vain experiments to produce the philosopher's stone. He expended much useless learning and literary labour in reproducing, with many additions of his own, an older work entitled "Les douze clefs de la Philosophe." This he published in 1660, and it is said to have been in great request —his biographers adding, "It was studied by a set of blockheads like himself."[1]

The line of the Alencourts seems to have ended in an heiress. She, however, gave her name to her descendants, and this branch of the family are styled St. Marie d'Agneaux of Agneau and La Haie Belonze; the first of whom mentioned is Jean St. Marie d'Agneau in 1494; whose son was a lieutenant-general, and his grandson, chamberlain to the king, a knight of St. Michael, and governor of Grandville, which last jurisdiction became hereditary in the family. These Agneaus are traced for nine generations in the "Armorial de France," the last mentioned being Jean Jaques Rênè de St. Marie d'Agneau,[2] a youth received as page to Louis XV. in 1720.

With him the male line of the family ended, though a cadet, incapable of carrying on the succession, a literary monk, lived till the close of last century, and was an author of some repute on various subjects.[3]

The Provençal Agneaus were a very early offshoot from the Norman stock. They carried one holy lamb on an azure shield.[4]

[1] "Les fous comme lui la recherchant."—*Biog. Hist.*, Delandin et Chandon.

[2] His arms, as given by d'Hozier, are "Ecartele d'or et d'azur, le premier et la quatrieme quartier chargés d'un croissant de gueles." The governorship of Grandville seems to have been hereditary in the family after 1589.

[3] Charles Jean Baptiste d'Agneau, born 1728; took monastic orders at the age of seventeen, in the monastery of St. Martin at Seez; one of the most distinguished writers of his order. He published "Letters on the History of France;" "An Antiquarian History of Bordeaux;" "History of Artois;" "Histoire Generale de France;" various religious works, and "Le Triumph du Chrètien," a translation of Young's Night Thoughts. He died about 1792.—*Biographie Universelle.*

[4] "Agneau de Provençe porte d'azur au chevron d'or, accompagnè en pointe d'un agneau d'argent."—*Dict. de la Noblesse.*

One of this branch of the family is said to have travelled into Italy in the ninth or tenth century, and having studied at the universities there, took holy orders and rose ultimately to be Archbishop of Ravenna. He latinized his patronymic to Agnellus, and by a happy coincidence with the after traditions of the family, was named Andrew. He wrote a history of his see, a work considered of merit, and showing, for an ecclesiastic, much independence of thought, and especially characterised by an absence of any undue subservience to the Sovereign Pontiff.[1]

Lastly, to end a list that may have seemed tedious, we have a knight of the same name amongst the Burgundian nobility, mentioned by Geliot,[2] and by Pierre Palliot, as carrying three golden roses on an azure shield,[3] and which family existed as late as 1545, when we find a fair scion of the race "La Demoiselle Francoise d'Agneau" given in marriage to the noble and wise Master William Raymond.[4]

[1] His principal work is entitled "Liber Pontificalis sive Vitæ Pontificum Ravenatum."—Reprinted, in 2 vols. 4to, by Meriton, in his *Italian Historians.*

[2] L'Indice Armorial.

[3] "D'Agneau porte d'azur au cheveron d'or accompagne de trois roses de mesme."—*La vraiye et parfaite Science des Armoiries.*

[4] Noble homme et sage Maître Guillaume Remond, Juge et Gouverneur.

CHAPTER III.

THE AGNEWS IN IRELAND.

> And what? dear sir! then is it quid reale
> That you design an iter Boreale?
> Are you so much a stoic that this hot land
> You fear not to exchange for gelid Scotland?

SOME of the Agneaus came over to England during the reign of William the Conqueror;[1] but of their doings we know nothing.[2] The first of whom we have any authentic record in Great Britain being *Agneau de l'Isle*, the ancestor of the Sheriffs of Galloway, who took part in the conquest of Ulster, in the reign of Henry II. of England. The traditions as to the Norman

[1] "Those of this name are originally from France, being there written Agneau. The first of them came over with William the Conqueror."—*Nisbet.*

[2] "This ancient family are originally of French descent, and were seated in Normandy about the end of the tenth century. The first progenitor in England came from Normandy with William the Conqueror. How long they resided in England, and where, is, at this distance of time, quite uncertain."—Playfair's *British Family Antiquity.*

[3] "The family of Agnew lays claim, and probably with justice, to a more illustrious antiquity than most of our Scottish noble houses. The founder is supposed to have been one of the followers of William the Conqueror; be that as it may, we find the Agneu or Agneau of the day accompanying Sir John de Courcy in the invasion of Ireland."—Chambers' *Eminent Scotsmen.*

"When the famous warrior, Sir John de Courcy, conquered the province of Ulster, he was accompanied, we are told, by Agneau, an Anglo-Norman like himself, who settled at Larne in the conquered province."—Dr. M'Crie, *Mem. of Sir Andrew Agnew.*

"In the twelfth century, soon after the subjection of Ireland to the English Crown by Earl Strongbow, Sir John de Courcy was accompanied by Agnew, an Anglo-Norman.

"There is a family tradition confirmed by some ancient manuscripts, that the first progenitor in England of the Agnews came over with William the Conqueror."—*Scottish Nation.*

Agneaus being identical with those of Larne and Lochnaw, are curiously corroborated by Camden, who mentions "*Agneu of the Isle,*"[1] as the family holding the hereditary sheriffdom of Wigtown, which, in the earliest editions of his Britannia, which is in Latin, is given "ex insula," a literal translation of De l'Isle.

This Agneau, probably the elder "Sir Philip" before-mentioned, with other Norman knights, joined the English king at Milford-Haven, the rendezvous for the Irish expedition in 1171, where five hundred knights, all fully appointed, with their squires and servants, speedily assembled, as well as a numerous force of infantry, all trained to the bow.

Henry had now nothing to wish for but favourable weather, and for this "the king having made his prayers and done his devotion, the wind and the weather well serving, he took shipping and arrived unto Waterford in the Kalends of November, being St. Luke's daie"[2] (16th November).

The Irish princes were awed into submission at the sight of so formidable a force, and the natives were greatly astonished at the magnificence of the Anglo-Norman knights. An old author's description of this semi-civilized splendour is amusing:—

"Christmas drew on, which the king kept at Dublin . . . and wonderful it was to the rude people to behold the majestie of so gallant a prince—the pastime, the sport, and the mirth, and the continual music, the masking, mumming and strange shows;—the gold, the silver and plate, the precious ornaments, the dainty dishes furnished with all sorts of fish and flesh; the wines, the spices, the delicate and sumptuous banquets, the orderly service, the comely march and seemly array of all officers; the gentlemen, the esquires, the knights and lords in their rich attire; . . . . the running at tilt in complete harness with barb'd horses . . . . the plain honest people admired and no marvel."[3]

As to Normans, more especially, we read, "there were three

[1] Camden's words are—"Wigton reckoned among the Sheriffdoms over which Agneu 'of the Isle' presides." The materials for Camden's work are said to have been mostly compiled by Leland in the reign of Henry VIII.

[2] Cambrensis. [3] Hanmer's *Chronicle.*

sundry sorts of servitors which served in the realm of Ireland—Normans, Englishmen, and Cambrians; which were the first conquerors of the land; the first were in most credit and estimation, the second were next, but the last were not accounted or regarded of."[1] "The Normans were very fine in their apparel and delicate in their diets, they could not feed but upon dainties, neither could their meat digest without wine at each meal. They could talk and brag, swear and stare . . . and left no means unsought how they might rule the roast."[1] "They would not remain in remote places—a warm chamber, a ladie's lappe, a soft bed, a furre gown, pleased them well."[2]

Among these dainty gentlemen, Sir John de Courcy was the most influential, and he, having some years afterwards quarrelled with Fitz Aldelme, whom the king had appointed viceroy, started upon an expedition on his own account, "and by his wise conference and witty persuasions, he allureth and enticeth to him, even such as were the valiantest, honestest, and chosen men of them all; and having so gotten into his company two and twenty gentlemen and about three hundred others, he boldly entereth and invadeth the Province of Ulster."[3]

Agneau de l'Isle, as one of this little band of twenty-two, followed his chief into this unknown country, which, against tremendous odds, and not without various reverses of fortune, they at last succeeded in subduing. De Courcy was a grand captain, "verie tall and mightie, and of a singular audacity; he would be first in the field, and foremost in the fight, and were the enterprise never so perillous, yet he would give the adventure, and although in service he was thus forward, earnest and vehement, yet in time of peace and rest he was very sober and modest, and altogether given to serve God; and having gained the victory of his enemies, and good success of his affairs, he would ascribe the honor to God, and be thankful for the same."[1] He was a cunning fellow too. Besides the terror which the well-appointed Norman knights inspired, and their undoubted valour, superstition worked also in their favour. The Irish had a book

[1] Cambrensis. [2] Hanmer's *Chronicle*. [3] Holinshead.

of written prophecies by Merlin Colodine; this De Courcy (probably at the sack of Down) became possessed of, and finding a certain route laid down by which it was foretold a future conqueror should come, he shaped his way accordingly. Moreover, Merlin had prophesied that "a white knight sitting on a white horse, bearing birds in his shield, shall be the first that shall subdue Ulster." De Courcy rode forth on a white horse, three eagles were already on his shield; and as place after place was attacked in the order that the native prophet had announced, terror rendered the Norman's victory more secure; and at last, losing heart altogether, the whole province of Ulster submitted to this handful of daring adventurers.

The king of England, fain to secure allegiance as best he might, instead of treating De Courcy as a mutineer as he was, and his band as rebels, gave a grant by patent to the bold knight himself, and to his companions, of all the lands they could conquer by their own swords, to be severally held and enjoyed by themselves, and their heirs for ever, reserving only homage and fealty to the king.[1] And when victory finally declared itself in favour of the Anglo-Normans, the king not only received De Courcy graciously at court, confirming his former grant, but also created him Earl of Ulster, to which province he returned triumphantly, being now lord paramount, and parcelled out the land to his adherents.

He granted the lordship of Howth to Amoricus de Sancto Laurentio, his brother-in-law, which is held by his descendant, the Earl of Howth and Viscount St. Lawrence, at the present day. And to D'Agneau he allotted the lordship of Larne, a part of which was enjoyed by his direct descendant until the beginning of the eighteenth century, and even now some of these lands are possessed by offshoots of the family.[2] The Irishmen of Ulster having then small stomach to make any onset on their Norman conquerors, these doughty knights resided peaceably amongst them, and introduced a species of civilization to which no doubt the natives would have gladly remained strangers.

[1] Hanmer. [2] Scottish Nation. M'Crie.

The appearance of the country nevertheless was much improved, for De Courcy and his comrades "builded many castles, made bridges, mended highways, repaired churches, and governed the country in great peace, until the days of King John."[1] Sir Philip D'Agneau himself, or one of his sons, thenceforward known as Lord of Larne, settled down on his new possessions; and in commemoration of the expedition in which they had been gained, the family now introduced the sinister hand of Ulster into their shield.[2] Their name was also by common consent given to the highest hill in the Antrim range, a name it has ever since retained, and being a very conspicuous landmark from the Channel, and a prominent object in the view from the Scottish shores opposite, it furnishes a geographical testimony to the fact of its Anglo-Norman conquest, and forms a fine monumental cairn to the memory of Sir Philip d'Agneau de l'Isle. The position won by this early adventurer was every way agreeable. A modern author says, "The town of Larne is delightfully situated. The coast to Glenarm is bounded by Agnew's Mountain, fifteen hundred feet above the level of the sea, while on the east, the Isle of Arran and the smaller isles, and the distant Scottish coast, terminate the extensive sea-view."[3] It was moreover a safe harbour of refuge, and capable of holding the largest vessels that then were built.

The exact extent of the Agnew estates cannot now be ascertained, though these were considerable,[4] including the barony of

[1] Hanmer.

[2] "Agnew—Argent, three sinister hands, couped, gules. The chief is Agnew of Lochnaw . . . . his predecessor came from Ireland, reg. Davidis 2d, being a son of the Lord Agnew, *alias* Lord of Lairn, his present bearing differs from yt."—Sir George Mackenzie, *MSS.*

[3] Marmion's *Maritime Ports of Ireland.*

[4] "For many years he had a considerable estate in the county of Antrim, and were Lords Agnew, *alias* Lord of Lairn."—*Nisbet.*

"It is well known that they had very extensive possessions in the county of Antrim, where they were called the Lords Agnew, or Lords of Larne."—Playfair's *British Fam. Anty.*

"The Agnew or Agneau of the day accompanied Sir John de Courcy in the invasion of Ireland, and settled at Larne in Ulster after that province was conquered by the Anglo-Normans."—*Chambers.*

Larne and Glenarm, as well as the present parishes of Carncastle and Kilwaghter, and a large range of country in the interior. Among some of the old Sheriff's papers are leases and other documents giving a variety of strange-sounding names of lands of which we neither know the situation, or if they still pass by their ancient designations; such as "all that his three-toune land, commonly called and known by the names of Lelesh, Drummidonnaghan, and Drummiho Beliaderdawn!"

The early successions of the Lords of Larne have not been preserved. Ireland was long in such an unsettled state—what betwixt the campaigns of Edward Bruce, the subsequent irruptions of piratical Scots from the Western Isles, and rebellions against the English kings—that we can hardly be surprised if literature was little attended to, and that all provincial records were entirely lost, and that even traditions have almost disappeared. The late Sir Andrew Agnew, anxious to collect any notices existing as to the Agnews of Larne, applied to an Antrim gentleman of antiquarian tastes, a Mr. Farrell of Camstradden, who replied at length in a very interesting letter, dated in 1818, of which the following are extracts:—

"The Agnews were a Norman family that had obtained an estate in the county of Antrim, and were Lords of Lairn (now Larne), in the neighbourhood of which the estates of the present Agnew family of Kilwaghter are chiefly situated.

"I formerly mentioned to you, as a proof of your family being connected with that country, that there was a denomination of land in the Kilwaghter estate called the SHERIFF'S LAND.

"It is well known that there are very few estates in the north of Ireland that are not spoken of as having been the property of some Irish family not now in possession, so late as the reign of Elizabeth, and many of them to a much later period; but I have never heard of the most distant idea being suggested that the Kilwaghter estate was claimed by, or supposed to have been the property, of any other family than that of the Agnews.

"I do not know of any mountain in the north of Ireland that bears the name of a family, excepting Agnew's Hill; no

other name has ever been ascribed to it so far back as we have been able to obtain records, and it is not to be presumed it could then at once be denominated such without reference to a former name, had a former name then been known to have existed."

It may be considered a fact worth mentioning, that "Agnew" is not an uncommon surname in the north of Ireland among the lower orders, who are obviously of Celtic origin. These are, in general, in no way descended from the Norman stock, but are of the clan or family of Ognives, or O'Gnives, who in very recent times have chosen to exchange their patronymic for that of Agnew.

CHAPTER IV.

THE KING'S CASTLE OF LOCHNAW.

From Lochnaw to Kirrochtreé there was made great abuse
By Southrons, till valiant King Robert the Bruce
At Craigencally attacked them and chased them away,
The stubborn bold English, from brave Galloway.—OLD SONG.

MIDWAY between Lochryan and the Irish Channel, in the northern division of the Rhinns of Galloway,[1] a little lake nestles within an amphitheatre of low sheltering hills, all wooded save one, which, rising in rolling terraces clothed with a rich green sward, terminates in a craggy peak.

This lake is the White Loch of Lochnaw, "wherein," according to the Sibbald manuscripts, "the kings of old had *ane house.*"[2]

This "Strength," built on an island, was in its early days considered impregnable. The name of its founder is unknown; it was probably erected in the course of the twelfth century, nearly contemporaneously with the Castles of Cruggleton and Wigtown, and before those of Garthland, Corswall, and Dunskey.

The situation is one of much quiet beauty, and the natural terraces which overlook the old castle also command fine views of the Firth of Clyde and the opposite Irish coast; Agnew's Hill being a prominent feature in the background.

The derivation of the name is from the Gaelic "naw," a ford; which renders it probable that in early times an artificial causeway below the water's level conducted the initiated to the outer

[1] Rhinns signifies points or promontories. The Rhinns of Galloway is a peninsula about 29 miles long, varying in breadth from 2 to 6 miles, connected with the mainland by an isthmus about 6½ miles broad. Its extreme points are the Mull of Galloway and Corswall Point.

[2] MSS. in Advocates' Library.—"*Lacus Nœvius,*" in Blaeu's Atlas.

defences of the fortlet, but all vestiges of such a pathway have disappeared.

From a very early period the office of constabulary was attached to the castle; and there was also a regality jurisdiction over those lands in Leswalt adjoining to it, which had formerly been in the actual occupation of the kings.

In the year 1291, Lochnaw was probably held by Comyn, Earl of Buchan, who held Cruggleton Castle as well; and from which he had ejected Kerlie, its proprietor. At this epoch, the lordship of the eastern part of Galloway, or Kirkcudbright, belonged to Baliol in right of his mother, the Lady *Dervorgilla;* and the lordship of the western portion, or Wigtown, belonged to three heirs-parceners—the Earl of Buchan; De Ferrars, Earl of Derby; and Lord de la Zouch, in right of *Helena*, Dervorgilla's sister; both of which ladies were daughters of Alan, Lord of Galloway.

Wigtown Castle was in the keeping of Walter de Currie. In 1296, however, Edward the First dethroned Baliol, and these castles were all committed to lieutenants whom Edward could trust, and who owned direct allegiance to himself; and Lochnaw, Cruggleton, and Wigtown, were committed to the custody of Hugh de Percy, who, for his governorship, had a salary of a thousand merks.

In the following year there is some reason to believe that the constabulary of Lochnaw was transferred to John de Hodleston; and in 1307 the keeping of it had passed into the hands of John de St. John.[1] The English king came to Berwick in 1296, where many Scotch barons, and most of the native Galloway proprietors, tendered their allegiance to him; in a list of whom, called the "*Ragman Roll*," are the well-known names of Macdoual (Fergus and Dougal), Roland M'Gachan, M'Ulack (M'Culloch), Andrew de Logan, John de Meynreth, Hannay, or Ahannay, and Thomas de Kinhilt;[2] as well as Alexander de Puntunby, parson of Kirkcolm; and Sir John Stewart of Bonkyl, ancestor of the Stewarts of Garlies.

[1] Caledonia. [2] Prynne's *History*.

As the word Ragman-roll is familiar to all Scotch genealogists, though we believe the origin of the term, which is curious, is not generally known, it can hardly be considered a digression if we pause a moment to explain it.

"Rageman," "Ragman," or "King Ragman," was a popular game amongst our ancestors in the middle ages; the humour of which consisted in each of the persons playing at it drawing at hazard a character from a roll presented to them, and sustaining the part so drawn to the best of their ability.

For this purpose, a number of characters, good, bad, and indifferent, grave and grotesque, were written consecutively on a long strip of paper; from each character depended a string, having at the end a knot, a tassel, or a seal; the paper was rolled up—this was called the "Ragman's Roll;" and on its being presented to the party, each person drew the character he was to assume by pulling one of these strings.

Such a Ragman Roll has been preserved written in Anglo-Norman as early as the twelfth century, and another in English in the fifteenth.[1]

In the latter, by way of preface, King Ragman's chamberlain is thus made to address himself to his audience—

"Echone[2]
Resave in grè[3] of my sympille persone
This Rolle, which withouten any drede
Kynge Ragman me bad mesoure in brede,
And cristyned it the meroure of your chaunce.
Draweth a strynge and that shall streight you lede
Unto the verry path of your governance."

When the Scottish barons presented themselves at Berwick to swear fealty to Edward I., each in his turn subscribed a roll of parchment acknowledging his dependence on the English crown; and to this document the seals of the subscribers were hung, attached by a small strip of parchment. When, therefore, this important deed was signed and rolled up, it must have borne no slight resemblance to the paraphernalia of the game[4] with which

[1] Wright's *Anecdota Literaria*. [2] Each one. [3] In good part.
[4] See Wright's *Domestic Manners of the Middle Ages*.

all were then familiar; and a wag among the courtiers happening to term it irreverently "a Ragman Roll," the company received this "cristyning" "in gre," and the name thus given in joke has become historical.

Soon after this roll had been signed, Sir William Wallace, with Kerlie, the rightful owner of Cruggleton, as his lieutenant, attacked and recovered the Castle of Cruggleton from the English. He was, however, apparently not in a position to garrison and defend it; as, instead of leaving it in the hands of its proprietor, we are told that he demolished the fortifications, and retired towards Ayr.[1]

In 1300, Edward I. invaded Galloway, and garrisoned Lochnaw and the other royal castles with his troops; and in 1307, Thomas and Alexander Bruce landed in Lochryan, with a view to surprise and seize upon Lochnaw, the only royal castle in the Rhinns. They were, however, immediately attacked by M'Dowall of Garthland and his brother, who were zealous partizans of Edward; the Bruces were defeated, made prisoners, and sent to Carlisle, where they were executed as traitors. The following year Robert Bruce endeavoured to avenge their death; but all the baronage of Galloway opposing him, he was obliged to retreat. However, in 1308, his brother Edward returned, and fought a sanguinary battle beside the Cree at Kirrochtree (then written Caer-Uchtred), in which he was victorious, and M'Dowall of Garthland, the most powerful of his assailants, was slain.

St. John now gathered together fifteen hundred men-at-arms, the flower of the English chivalry, and advanced to meet Edward Bruce, who had hardly fifty well-appointed horsemen in his whole army. Bruce was brave, but his bravery approached to rashness. Having posted his infantry in a defile, around which he caused some trifling entrenchments to be thrown up, he rode forth with his little force to seek the foe. In this instance his knight-errantry proved advantageous—he took St. John completely by surprise; approached him unperceived, under cover of a thick

[1] Blind Harry.

mist; and, charging into his ranks with wild cries, the English were seized with a sudden panic, and totally dispersed.

As the fruit of this single victory, Edward Bruce recovered thirteen castles for the Scottish party in Galloway; and the standard of King Robert waved over the battlements of the old Castle of Lochnaw. For these services, his brother bestowed on him the lordship of Galloway; and the constabulary of Lochnaw passed to one of his lieutenants.

We must again look across from Lochnaw to Agnew's Mountain, and the Lough of Larne, where we left d'Agneau de l'Isle more than a hundred years before this, and where his descendants of the fourth or fifth generation were in quiet possession of the lands he had then acquired. The Lord of Larne, at the commencement of the fourteenth century, was, along with his neighbours, impatient of the English yoke. The English monarchs were rather looked upon as feudal superiors than kings (indeed, they hardly assumed the latter title at this period), and the Ulster lords now wished to assert entire independence, and to have a bona fide king of their own. Hearing of the doughty deeds of Edward Bruce, across the channel, they sent over to offer to acknowledge him as their sovereign if he would undertake to bring them armed assistance from Scotland, and put himself at their head.

The restless Edward was delighted with a proposal so congenial to his taste; and organizing what forces he could in Galloway, and arranging means for their transport, he proceeded to Ayr, to meet Randolph, Earl of Moray, and other Scots noblemen, whence he sailed himself; his whole expedition, amounting to six thousand men, meanwhile sailed from various points between the Mull of Galloway and the Firth of Clyde. He landed on the property of the Agnews, close to Olderfleet Castle (the ruins of which may still be seen on the Lough of Larne), on the 25th of May 1315. Here the Lord of Larne and his retainers received him with great joy, and the news spreading far and wide, all the lords of Ulster flocked eagerly to his standard, solemnly engaged themselves in his service, and each gave hostages for the performance of his promise.

So large a force was soon at the disposition of the Scottish prince that he found himself able to spare a division numerous enough to invest Carrickfergus, a fortress too strong to be taken by assault, and to advance himself with the main body into the heart of Ireland, carrying all before him. Among the Scottish knights accompanying Edward Bruce, Barbour tells us that there were—

"Sir Johne Stewart, als perfay ;[1]
And Schyr Alane Stewart alsua."
(*Bruciad*, B. 10.)

These were the brothers of Sir Walter Stewart of Dalswinton and Garlies, with whom Agnew of Larne was now thrown in company for the first time, little dreaming at the moment of the intimate relations destined soon after to subsist between their family and his own. Sir Alan Stewart became, a few years after, the nearest neighbour of the Lord of Larne, soon receiving a grant of the Castle and lands of Corswall, in the Rhinns of Galloway, at almost the same date that young Agnew was established at the King's Castle of Lochnaw. The younger of his new comrades was seriously wounded in one of the engagements fought in this campaign, in describing which the same poet says—

"Schyr John Stewart, a noble knycht,
Wes woundyt throw the body thar,
With a sper that scharply schar.
Bot to Montpeller went he syne
And lay ther lang in till helyne ;
And at the last helyt wes he."—(*Barbour*, B. 10.)

It may be interesting also to mention that the Earl of Moray, the Scottish commander, afterwards Agnew's kind host and patron, married Isabel Stewart, sister of the Knights of Garlies and of Corswall; and that, as a marriage-portion, her father, Sir John Stewart of Bonkyl, bestowed upon her the lands of Garlies as her dower—(these were subsequently restored by Moray to her brother Sir Walter Stewart).

On the 2d of May 1316, Edward Bruce was crowned king of

[1] Forsooth.

Ireland, and soon after his brother Robert, the king of Scotland, conducted reinforcements in person to his assistance.

No doubt the good king Robert Bruce lived at Lochnaw whilst he was superintending these arrangements—it being his own garrison, and there being no other castle as suitable in respect to position—and then, having collected a sufficient flotilla to carry over his forces, to quote Barbour:

"Syne to the sea he took his way,
And at Lochriane, in Galloway,
He ship-ped with all his menye,
To Cragfergus coming is he.
Sir Edward of his come was blyth,
And went down to meet him swyth.
Syne to the castle went they yar,
And made them mekyll feast and far.
They sojournit there dayis three,
And that in mirth and jollity."

The English garrison of Carrickfergus, meanwhile, behaved with great treachery; they had agreed to surrender on a certain day if not previously relieved, and that day being come, they spontaneously sent to propose that a Scotch detachment should forthwith take possession. A party was sent accordingly; but no sooner had they passed the gates, unsuspicious of any foul play, than they were seized, and loaded with irons. A message was then sent to Bruce's commander that the place should be defended to the last extremity. This base act, useless as it was dishonourable, was the more atrocious, if we are to believe the account of an English chronicler, given with startling brevity: "The castell of Carrickfergus, after it had been strictly besieged a long time, was surrendered to the Scots by them that had kept it till they, for want of other vittels, were driven to eate leather, *and eight Scots* which they had taken prisoners."[1]

The royal brothers now advanced with an army of twenty thousand men, and passing through county Louth they entered Leinster, and advanced to the very walls of Dublin; they ravaged Kilkenny, and even carried their standards as far to the

[1] Holinshead, *Chronicles.*

west as Limerick, and retiring at leisure, re-entered Ulster in May 1317. Robert Bruce then bade his brother farewell, and returned to Scotland. He was destined to see him no more, for the following year poor Edward Bruce was killed at the battle of Fagher, near Dundalk (5th October 1318), where the English, under Lord Birmingham, gained a decisive victory.

Randolph, with the remnant of the Scottish army, crestfallen and dispirited, retired to the northern shores. Bravely as this rash expedition had been conducted, all hopes of founding a new kingdom on the ruins of English power were now at an end. The lords of Ulster sorrowfully bade their friends adieu, who, embarking in their vessels, stood across the channel for Loch-ryan. Though thus defeated, this unfortunate rising in Ulster was not void of political results. Amidst the scenes of wild adventure to which it gave rise, and by the bivouac fires of the Scottish camp, friendships were formed which led many of the Ulster chivalry to transfer their allegiance from the Scottish prince, whom they had volunteered to serve, to the Scottish crown itself. Those of French extraction seem to have had a peculiar affinity for the Scotsmen. Our only concern with this movement is, as it affects the fortunes of the Agnews of Larne, in connection with which the significance of the following appointments of the two most prominent men in the retiring flotilla will soon be understood.

Alexander Bruce, Edward's natural son, who for the last three years had been the comrade of the Agnews and the Stewarts in his father's campaigns, was now appointed in succession to his father, Lord of Galloway, and had the keeping of the castles of Wigtown and Lochnaw; and a few years later, on King Robert's death, Randolph, Earl of Moray—Edward Bruce's principal lieutenant—became Regent of Scotland during the minority of King David II.

CHAPTER V.

THE FIRST SETTLEMENT OF THE AGNEWS AT LOCHNAW.

Gif thou desire thy house lang stand,
And thy successors bruik thy land,
Above all things live God in fear,
Intromit not with wrangous gear;
Oppress not, but support the puir,
To help the common-weill take cuir;
Help thy friend, and doe na wrang,
And God shall cause thy house stand lang.

THE Lord of Larne was so seriously compromised with the English authorities by the part he had taken in the late struggle, that we are not surprised to read that his son and heir appeared at the Scottish Court immediately after his old commanding officer was chosen regent. It is a matter of some surprise, however, that the Agnews were allowed to retain undisturbed possession of their estates for many generations; and these were first curtailed, not by the English sovereigns, but by the incursions of piratical Scots from the Western Highlands (more than two centuries later).

Young Agnew met, as might have been expected, with a kind reception from the Earl of Moray. And when the Regent made a progress through Galloway in the year 1330, he appears to have been accompanied by his young protége, on which occasion Randolph held a grand "Justice Aire" at the town of Wigtown, where Alexander Bruce as Lord of Galloway was present.[1]

The office of Constable of Lochnaw was then in the gift of Alexander Bruce, from whom the native baronage held themselves aloof, being but ill affected to the reigning house. And

[1] Chalmers' *Caledonia*; also *Fordun*.

he being well pleased to retain the services of a young soldier whom he had known for three years in his father's camp, caused the Lord of Larne to be installed forthwith in the keeping of this castle with the possession of the neighbouring lands.[1]

A story is told of this progress of the Regent—that, on his hearing that thieves had become so audacious that even the ploughshares were often carried off from the fields, he desired that whenever a plough was stolen from a husbandman, the county should make good the loss.

A certain farmer, tempted beyond the power of resistance by the hope of realising a sum in hard cash, hid his own plough himself, and then complained to the Sheriff of his misfortune, whereupon *two shillings*, the estimated value of the iron-work in 1330, was duly paid down to him. The truth, however, soon leaked out, and the wretched impostor was thereupon duly tried, condemned, and hung as a lying thief.

The young Constable of Lochnaw, showing "bravery and spirit"—qualities both evidently considered necessary for an officer holding the king's commission among the wild Scots of Galloway—was soon after appointed Sheriff of Wigtown. The sheriffship is described as an hereditary gift. But the successions not having been preserved, and the Earls Douglas in a later generation having forcibly denuded the Agnews of their

[1] "In ye reign of King David II., a son of ye Lord Agnew's, *alias* Lord of Lairn, gott the keeping of the King's Castell of Lochnaw, and was made heretable Constable yrof."—Sir George Mackenzie's *MSS.*

"Another (of the Agnews), in the true spirit of Norman enterprise, entered Scotland in the reign of David II., where they acquired the lands of Lochnaw, and were invested with the offices of Heritable Constables and Sheriffs of Wigtownshire."—*Chambers.*

"In the reign of David II., a son of the family of Agnew arrived at the Scottish Court, where, being a man of bravery and spirit, he got the keeping of the Castle of Lochnaw, and was also appointed Sheriff of the county of Wigtown."—Playfair's *British Family Antiquity.*

[2] Playfair.

[3] "One of them (the Agnews) came from Ireland to Scotland in the reign of King David II., where he got the keeping of the King's Castle of Lochnaw, and was made heritable Constable thereof, and of the shire of Wigtown."—*Nisbet.*

office, and prevented them from exercising their jurisdiction for many years, we have thought it better to treat this appointment, as well as that of the two next Sheriffs, as personal, and do not include them in the catalogue of the hereditary Sheriffs of Galloway, who enjoyed the office under a new charter in the following century, by which the Agnews of Lochnaw were reinvested by the king with the sheriffship of Wigtown "to themselves and their heirs for ever." All papers containing records of the family in this century are irretrievably lost (as will be presently related), those saved from destruction on the sacking of Lochnaw by the Black Douglas being destroyed by the accidental burning of Sir George Mackenzie's house at Preston Hall in 1686; who had collected all the old Galloway records he could procure with a view to publication.

Several authors have fallen into the mistake of supposing that Fleming was Sheriff of Wigtown about 1340; but this has arisen from a confusion as to the apparently similar terms (though very dissimilar in meaning) of Comes and Vice-comes—Earl and Sheriff—and of the application of the word vice-comitatus to the Sheriff instead of the sheriffdom or county. Fleming was simply created Earl of Wigtown, with a gift of all the crown lands within the shire.[1]

Having now established our ancestor in the King's Castle of Lochnaw, we shall say a word or two as to his neighbours, and as to the condition of Wigtownshire at that date.

At the northern extremity of the Rhinns, within half a mile of the well-known modern lighthouse, stood the old castle of Corswall, Corshill, or Crosswell. The walls were of great thickness, but unlike most ancient castles, instead of being perched on the most commanding situation, it lies in a narrow hollow, as if the original owner had wished to lie concealed; even the

[1] The words of the charter are—"Totum Burgum nostrum de Wigtoun, cum omnimodis pertinentiis suis, ac omnes terras meas totius Vicecomitatus de Wigtoun. . . . Et cum dictus locus de Wigtoun pro principali Manerio totius Vicecomitatus de Wigtoun habebatur, ordinamus et perpetuo confirmamus ut ipse Malcolmus et hæredes sui prædicti ab inde nomen Comitis accipiant, et Comites de Wigtoun de catero noncupentur."—Crawford's *Peerage*.

sea (which flows very near it) was not visible from its battlements. Its defence consisted in a deep fosse, over which the entrance was by a drawbridge. The lower storey, a dark hall arched thickly over, was intended as a refuge for the cattle in case of attack; and under this was a well, secured by an iron lid, on raising which it was believed that the owners could at pleasure lay the whole surrounding country under water. There is another local tradition, that the lord of the castle in the following century required every vessel entering Lochryan to lower its peak, under pain of being sunk by his guns. A small cannon certainly was dug up there in 1791, but did not seem very capable of sinking any vessel at all, even at close quarters; and it would most certainly have defied its utmost powers of range to have reached Lochryan even with a spent ball.[1]

In the early part of the reign of David II., Corswall Castle belonged to Sir Alan Stewart of Dreghorn; but upon his death, in 1333, the possession passed to the Campbells of Loudoun; and Sir Duncan Campbell some years later bestowed it upon his own younger son Alexander, whose descendants inhabited it for nearly two centuries.[2]

To the south of Lochnaw, distant about seven miles, overhanging a dizzy precipice, stood the castle of Dunskey, then called Portree. This was held by one Currie, a son, possibly, of *Walter de Currie*, who was entrusted in 1291 by Edward I. with the keeping of the castle of Wigtown.[3] The family were of English extraction, and sided with the Baliol party. They possessed considerable power, as in the next generation the Currie of the day managed to make himself a terror to the whole

[1] This cannon was 7 feet long, and 3 inches in the bore (old Statistical Account). Of course it was nearly 200 years later date than 1330.

[2] "There is a charter which I have seen granted by Duncanus Campbell-Miles, Dominus de Loudon, of the lands of Corshill, Alexandro Campbell, filio suo, laying within the Sheriffdom of Wigtown, dated Mercurii proxima post festum Apostolorum Simonis et Jude, 1361. These are witnesses to this charter—Dougall Macdougal, Vicecomes (de Wigtown ?), and Johanni Macdougall."—*Crawford.*

[3] Nisbet writes it Carey.

neighbourhood, and carried on predatory expeditions both by land and sea.

Eight or nine miles from Lochnaw, proceeding southward, lay the tower of Garthland, on the battlements of which was engraved the date 1274. From this seat of the M'Dowalls, anciently written Gairachloyne, the well-known family descended from the ancient Lords of Galloway took their designation.

The name M'Dowall (and M'Dougall which is identical) is held by the family to be derived from Douall of Galloway, who lived 230 years before the birth of our Saviour; and, killing Nothatus (the tyrant), sixth king of Scotland, established Reutherius as seventh king in his place. But as we are not writing ancient history, we cannot pretend either to verify this interesting statement or to follow their pedigree for the next thousand years. Douall is said to be simply Dhu Alan, the Black Alan; and hence the M'Doualls are "sons of the Black Alan."

Of the great antiquity of the family there is no manner of doubt, and that by them were built the Abbeys of Soulseat, Glenluce, and Whithorn, in the west; as well as Tongueland, New Abbey, Lincluden, and St. Mary's Isle, in Eastern Galloway.

The three great families of Garthland, Logan, and Freuch, all bore, with certain differences, the arms of the old Lords of Galloway—a lion argent on an azure shield.

The laird of Garthland had in 1700 a charter proving his ancestor to be a son of the "great house of Galloway, in the reign of King William" (the Lion).

The proprietor of Garthland in 1330 was Dougall M'Dougall, then an old man, and the identical person who had sworn fealty to Edward at Berwick; and he had also received from John Baliol, as Lord of Galloway, in 1295, a charter[1] of the lands of

[1] "This charter, granted by John Baliol to the predecessor of Garthland . . . on a plate of copper in old Saxon characters, embossed in the parish church of Stonykirk, on the east side of the pulpit, as is attested by two ministers who were there, the one in the 1672, the other in the 1681. One of them I myself know, and he had a more than ordinary taste and genius. . . . This noble monument of antiquity was sent to Sir George Mackenzie, when that great man and learned

Garochloyne, Lougan, Elrig, etc., engraved in old Saxon characters on a plate of copper. This curious relic of antiquity was placed in the parish church of Stonykirk, and remained there until towards the end of the seventeenth century, when it was unfortunately taken down and sent, with other family curiosities, to Sir George Mackenzie, and was there destroyed by the same fire—so fatal to Galloway genealogy—by which the oldest papers of the Agnews were also consumed.

Not far from Garthland, towards the Mull, were successively the castles of M'Dowalls, of Freuch, and of that of M'Dowall, and Logan. The former, near the present house of Balgreggan, stood close to a beautiful moat-hill 60 feet in height, and 460 in circumference—it was latterly called Castle M'Dowall; the other was anciently Balzeiland. We have been unable to gather records as to the date and appearance of either of these castles.

Between Logan and Garthland was Killeser or Kilaster, a seat of the M'Cullochs (written then M'Ulack), whose principal residence was at Myrtoun, near the eastern shore of the bay of Luce. The position of Myrtoun was singular, the tower or keep of the castle being built upon one of those curious moat-hills which were in the middle ages generally used for holding courts in the open air; and below it lay the Loch of Myrtoun, of which Boethius speaks as "the great Lake of Mirton, the one-half whereof doth freeze by naturall congelation, as other pooles and plashes do, but the other is never seene to beare anie yce at all, which unto me dooth seeme to be a great wonder." And Symson in much later times writes: "Sir William Maxwell informs me the water hath this property, that it will wash linen as well without soap as many others do with it. I deny not the water thereof may be medicinal, having received several credible informations that several persons, both old and young, have been

antiquary was framing the first draught of an historical essay of all the principal families . . . and this plate was in his custody when all his valuable manuscripts and collection of charters he had were burned by an accidental fire at his house at Preston Hall; so all we can do is to regret that loss."—*Crawford.*

[1] Holinshead's *Chronicles of Scotland.*

cured of continued diseases by washing therein."[1] As to the name:—

In the time of the Crusades a Scottish warrior, carrying on his shield a boar (which in Gaelic, the old Galloway tongue, is "Cullach,") was conspicuous from his personal daring in the Holy Land. On his return, William the Lion, in reward of his prowess, granted him the lands of Myrton, Glasserton, Killeser, and Auchtnaught; and the soldier adopted as his patronymic the word "Cullach," his old nom-de-guerre. His son was thence naturally styled Mac-Cullach, and was called Godfrey, after Godfrey de Bouillon, King of Jerusalem.

At Auchtnaught, in Kirkmaiden, the foundations of a large and strong building are to be traced at the present day, which the peasantry call "the hunting-seat of the M'Cullochs." It has been ruinous for ages, but probably was in existence at the settlements of the Agnews at Lochnaw.

Cardoness, in the stewartry, came, at a very early period, into the possession of the M'Cullochs through an heiress, respecting which there is a whimsical tradition.

A certain laird of Cardoness having exhausted his resources in the building of his castle, joined a band of border thieves, and amassed considerable property by plunder. During twenty years of married life his wife had borne him nine daughters; but this did not satisfy his now increased anxiety to perpetuate his name, and he threatened his lady that unless at her approaching confinement she produced a son, he should drown her and all her nine daughters together in the Black Loch, and look out for another wife. The probability of his carrying out this threat was not doubted for a moment, and hence great was the joy of both the lady and her neighbours when she actually presented her husband with a boy.

It was then mid-winter, and the lake firmly frozen over, whereupon the laird announced his determination of giving a

[1] Symson's *Large Description of Galloway.* He adds of the castle, "Part of this house is built upon a little round hillock, whereof there are several artificial ones in this country, called Motes."

grand fête on this same Black Loch. In accordance with his orders, on a certain Sunday his whole family was there assembled excepting one daughter, who was unable to join the party. The revels were at their height, when suddenly the ice gave way, and the old sinner was plunged himself into the dark waters and perished miserably, with all his family, only excepting the one young lady, who, having thus narrowly escaped the same fate, shortly after married one of the M'Cullochs.

In 1330 it is probable that Sir Malcolm Fleming had extensive possessions in Wigtownshire. In 1341 he was created Earl of Wigtown, and was granted a Regality Jurisdiction conveying very extensive powers and privileges within the county.

In Sorby was the residence of the chief of the House of Hannay, or Ahannay, a native race who were considerable landowners in the province. The name, written Gilbert de Hanneth, appears on the Ragman Roll.

On the Loch of Dowalton there was a castle, which at this time belonged to the M'Dowalls, whence its name; and Cruggleton Castle, also in Sorby parish, frowned from its lofty position over the estuary of the Cree; it is a doubtful point whether or not it was then again in the possession of the Kerlies.

Wigtown Castle was then also in existence, and is believed to have been held as a royal garrison; but very few notices of it have been preserved.

Besides the M'Dowalls, the M'Cullochs, and Ahannays; the Mackies and the M'Clellans were also two powerful native Galloway families, whose properties lay principally in Kirkcudbright, but both of whom, at various and in very early times, held lands in Wigtownshire.

Of the Mackies, the house of Larg, which became the most prominent of the name, had been founded but a few years before 1330 under very romantic circumstances.

Robert Bruce, having been defeated by the English in Carrick, fled with barely 300 followers to the neighbourhood of Loch Dee. Whilst lurking here amongst the wild scenery of the

upper district of Minnigaff, one night he begged for shelter in a widow's cottage at Craigencallie; he was admitted and entertained with true Gallovidian hospitality. Bruce wore some ornaments but partially concealed about his person, which did not escape the inquiring eyes of Annabel his hostess; and next morning the good woman, approaching her guest, asked him plainly if he were not her liege lord. The king owned his identity, and asked the widow in return if she could not procure him any recruits to replenish his shattered ranks. Without hesitation, Annabel replied that she had had three sons, all by different husbands, lusty young men, and all ready to do service for their rightful king. Bruce gladly accepted the offer, and forthwith the three volunteers were presented to him as Mackie, Murdoch, and M'Lurg; and with these youths as a body-guard he sallied out for a walk whilst his homely breakfast was preparing. The brothers each carried a bow and a quiver full of arrows, and Bruce expressing a wish to see some trial of their skill, Mackie presently called his sovereign's attention to two carrion crows seated side by side upon a pointed rock, and drawing his bow a full stretch, he skilfully killed both birds, piercing each only through the head. "Good!" said the king, "I had rather you shot at them than me!" and as he spoke, Murdoch, aiming at a raven croaking high in mid-air, struck it in the very heart, and this bird too fell quivering at their feet. Pleased at their performances, the king now talked freely to his new recruits, and explained to them his forlorn position, closely pursued by a well-appointed English army. The young men thereupon suggested a plan which they were permitted to carry out. Under their guidance all Bruce's followers were employed during the day in driving to the vicinity of the widow's cottage all the horses and goats which were to be found at large in the surrounding district, and by nightfall vast numbers were collected and herded in on the hill-side before them. Meanwhile the English forces, advancing upon Bruce's track, had almost overtaken him, and halted that very evening hard by at Moss Raploch. The widow's sons kept a close watch upon all their movements. The Eng-

lish camp was presently hushed in repose, when the wild flocks and herds were driven hastily to their immediate vicinity; the southern invaders were startled; neighings and prancings seemed to bespeak the presence of a large body of cavalry; and even the herds of goats, with their horns swaying hither and thither, seen dimly in the twilight, had somewhat of the appearance of masses of men carrying strange implements of war. Fear seized the English leaders, the hours of darkness added fresh terrors; and Bruce, who by this stratagem had concealed the weakness of his force, at the first streak of dawn led on his followers with loud cries to the attack. An absolute panic seized upon the English; they precipitately fled, leaving their camp equipage and a store of welcome supplies a prey to their antagonists. Foremost in the attack were the gallant brothers who acted as guides to Bruce's little band; and the battle won, they led their prince up to a large boulder of granite (still to be seen, and known as the King's stone), against which he reclined, surveying the scene with very different feelings from those with which he had viewed it during his morning's walk, whilst his followers satiated themselves to their hearts' content amongst the spoil.

Next morning Bruce left the poor widow's cottage, followed by the three young Gallovidians, who faithfully served him during all his subsequent campaigns. When Bannockburn had placed the kingdom at his disposal, the king is said to have asked them personally what he should give them as a reward. The youths begged leave to refer the matter to their mother, who thereupon replied, "she would just like the bit hassock o' lan' lying between the burn of Palnure and Penkill."[1] This hassock is in the shape of an isosceles triangle; the base of which runs three miles along the Cree, and the two other sides, formed by the burn, run upwards of five miles into the interior. A charter

[1] In the version of this story as given by Mr. Heron of Bargaly in Symson's Appendix, the youths are erroneously made to ask the king for "the thirty pound land *of Hassock* and Cumloddan." There is no such place as Hassock in the neighbourhood.

Hassock, according to Jamieson, may mean "a large round turf of peat," anything bushy; thus "a hassock of hair," "a quantity of hair."

was granted to them according to their wish; and upon his share of the property, Mackie soon after built the Castle of Larg. For his armorial bearing he was allowed to assume upon a silver shield, "two crows, paleways, with an arrow thrust through their heads."

The direct male line of the House of Larg has long since failed; their property was carried by an heiress to the Herons of Heron. King Robert Bruce's gallant squire is, however, still represented by Mr. Mackie of Bargaly, the member for the Stewartry of Kirkcudbright; who is a lineal descendant of the eldest of these brave brothers.[1] Murdoch also settled on his portion of the Hassock, and was designed "of Cumloden." He bore arms nearly similar to those of his half brother; and for his crest, in commemoration of his fete in forestry, he was allowed to carry a raven, proper, having an arrow headed and feathered thrust through its breast.

M'Lurg took the designation of Machermore, and lived on the banks of Cree. His family became extinct in the fifteenth century, and the property passed to the Macdowalls, and afterwards to the Dunbars.

Soon after 1330, Sir Walter Stewart of Dalswinton, brother of Sir Alan, owner of Corswall Castle, obtained from his brother-in-law, the Earl of Moray, a charter of the lands of Garlies in Kirkcudbright. These lands had been originally conferred by a charter, dated November 30, 1263, on Alexander, High Steward of Scotland, by King Alexander III., which lands the High Steward gave to his second son, Sir John Steward of Bonkill and of Jedworth, in 1290. Sir John bestowed them as dower upon his daughter Isabella on her marriage with the Earl of Moray; and he again granted the Barony to this Sir Walter, his wife's third brother. Sir Walter's own family did not acquire lands across the marches of Wigtownshire, though his descendants became the most powerful landowners in that shire,

[1] Alexander M'Kie of Palgown, member for the Stewartry at the Union; John M'Kie, member for the same county, 1747 to 1754; and another John M'Kie, member from 1754 to 1761, are all scions of the same stock.

and were eventually created Earls of Galloway. The name of Stewart (sometimes at a later date spelt Stuart) is simply derived from Steward, the office hereditary in their family. At this time the seat of the Douglasses was at Botel, on the Urr; their possessions had not yet extended into Wigtownshire, and their power, already great, was entirely exerted in support of the royal authority.

The towns of the county at the same epoch were Wigtown and Whithorn, the latter already famous for the shrine of St. Ninian, and the former indicated as the chief town in the county in the charter constituting Wigtown an earldom in 1341. The only town in the Rhinns was Innermessan, the ancient Rerigonium, of which we shall have more to say presently.

Besides the Rhinns, consisting of the Western Peninsula, and a part of Inch and Glenluce, Wigtownshire comprised two other districts—"the Machers," signifying the flat and low country, sometimes rendered white or arable, lying between Luce and Wigtown Bay; and "the Moors," by far the largest division, including the large wild parishes of New Luce, Kirkcowan, Penninghame, with parts of Inch, Old Luce, and Mochrum.

CHAPTER VI.

SOCIAL CONDITION OF WIGTOWNSHIRE IN 1330.

At length he to a winnock cam,
It was a winnock braw;
Through it was seen ilk fertile neuk,
O' bonnie Gallowa'.—OLD SONG.

IT is an interesting fact, and one which seems to be proved beyond a doubt, that the agriculture of the early part of the fourteenth century was greatly superior to that of the seventeenth. We learn from the Wardrobe Accounts of Edward I., that wheat was raised there in large quantities, and that that sovereign not only maintained a large army in Galloway, which was provisioned there, but that in the autumn of 1300 he collected many shiploads of wheat at Kirkcudbright, which he sent to England to be ground; as, although there were mills in Galloway sufficient for its own inhabitants, these were unable to meet so unusual a pressure of business.

The king was attended by a number of vessels, found, according to use, by the Cinque Ports and other maritime towns, which were, in fact, the English navy of the day. These ships were engaged constantly in transporting troops and provisions. Andrew Karliol, John Horne, Wymond Gegge, and Simon Kingesman, are mentioned by name in the Wardrobe Accounts as masters of vessels employed in carrying corn. Kingesman, for example, was paid two pounds nine shillings, "for himself and twelve sailors," as his due for carrying fifty quarters of wheat in the ship "Margaret;" and Gegge, master of "La Sauvaye," received one pound seven shillings and sixpence, for himself and nine sailors, as dues for carrying one hundred and forty-three quarters of wheat from Kirkcudbright to Dublin.

Two other vessels, both named the "Mariot," are also entered as being employed in the same service within a fortnight. The grain they conveyed was all ground at Dublin or Skimberness, and then reshipped for Ayr, to subsist a second English army there.[1]

The Galloway harvest of the previous year thus not only supplied its own inhabitants, but subsisted also two large English armies.

The Wigtownshire landowners, in 1330, besides wheat, grew oats in great abundance, as also peas, beans, and a LITTLE barley. We lay stress advisedly on the diminutive, because three hundred and fifty years later we find that the relative proportions raised of each species of grain were reversed. About the year 1680, wheat was almost unknown in Galloway, peas and beans were very rare indeed, whilst barley (and that of the worst description, bere) was the staple, and grown alternately with oats; and of all these, far from any being available for exportation, there was barely enough to subsist the native population.

In 1330 the upper classes used wheat-flour freely, and both upper and lower classes consumed oat-meal. Malt was largely manufactured, from both oats and barley. Beer and strong ale were in general use; every hamlet had its brew-houses; and the genuine ale-house was more of a national institution then than it is now.

The barons reared horses in great numbers, for which they had a ready sale. They had also large herds of black cattle; flocks of sheep, the fineness of whose wool was proverbial; and they had pigs, both in the farm-yard and running wild in the woods. It is to be noted also, that the flesh of all these animals was consumed at home; meat was very rarely sold; it was therefore used abundantly at the poorest tables, as it was from the wool and hides only that the breeders realised money.

Our ancestors understood well the management of the dairy, and the rearing of poultry. Besides all these substantial comforts, the Galloway baron could command game and fish in endless variety to vary the good cheer upon his board. He brewed his

[1] See Wardrobe Accounts of Edward I.

ale at home; wine was imported for him at reasonable prices; his larder was well filled, and his hospitality proverbial.

So far good. But his lot, as a Galloway laird of the fourteenth century, was not without its drawbacks, and he was seldom allowed the peaceful enjoyment of all this plenty.

Fruit and flowers, and the finer sorts of vegetables, were hardly to be reckoned even among the luxuries of the times of which we write; we doubt if there was a garden in Galloway at this era, excepting at the religious houses. At Glenluce, there was, at an early date, a garden of twelve Scotch acres; but otherwise the lairds made no attempt at gardening, beyond rearing beans, peas, and a coarse green or kail in the open fields.

The lodging of all classes was of the roughest sort; most of the old fortlets were built on much the same model. The walls were very thick; the lime was obtained by burning shells on the seashore; but little, if any, sand was added to it, and the mixture certainly had the merit of binding the stones together in a solid mass in a manner which defies the skill of our modern masons. The plan seldom soared above the square tower, of which the lower storey, sunk in the ground, was the dungeon; the first floor served for the guardroom, and those above this were styled the state apartments, which were occupied by the baron and his family. At the top the battlements allowed the defenders room to circulate freely, with projections, from under which missiles could be hurled on the assailants. There were outbuildings besides, and generally a moat and ditch surrounded the castle, in which case there was a draw-bridge and gate-house. But the laird always contemplated the possibility of the outer defences being forced, and was prepared to make his final stand and most determined resistance in the thick square tower.

The lords of the soil had necessarily in those days a host of retainers in their personal service, as each castle required a garrison. These men had at all events the comfort of massive walls to protect them from the weather, but the peasantry in general were wretchedly lodged, or they may rather be said to have been bivouacked than housed, upon the lands they tilled;

their huts were ill-constructed sheds of turf and twigs, infinitely inferior in neatness to an Indian wigwam, habitually destroyed by invaders in time of war, and offering but a slight resistance to the storm. Even the so-called towns were but a collection of wooden one-storey cottages, with a church in the centre, church and all alike humbly roofed with thatch. Still, as a set-off to the discomfort of their dwellings, the poorer classes were in general well fed. *Far more butcher meat was consumed by the retainers and labourers of the fourteenth century*—the soldier-peasantry of Wigtownshire—than is used by the corresponding class in the nineteenth. On gala days ale was freely dispensed, and small beer was within the reach of all. But again, in this semi-barbarous stage of society, frugality was little practised; there was no medium of trade to relieve unexpected pressure, and although plenty was the rule, all classes suffered frequently from famine.

We subjoin the prices of the necessaries of life in Wigtownshire in the fourteenth century, as taken from the Wardrobe Accounts of Edward I. (one of the most curious records of domestic requirements of a former period ever brought to light);[1] and although his dealings in Galloway terminated in 1308, the same prices may be supposed to have ruled for some years later, and if anything, the money value must have been rather depreciated than increased by the withdrawal of the English army, who were good customers to the farmers:—

	s.	d.		s.	d.		s.	d.		s.	d.
A whole Ox (largest)	6	8	to	5	0	Barley Malt (per qr.)	4	4			
Bacones (fat hogs)	3	9	,,	2	2	Oats ,,	3	6			
Wheat (per quarter)	7	0				Beans ,,	5	0			
Wheat Flour ,,	8	0	,,	5	6	Peas ,,	2	9			
Oat Malt ,,	3	6				Salt ,,	5	0	to	2	6

The best ale was 18s. per butt; it is also priced at 16s. and 12s. Ordinary beer, 8s. per butt.

Wine was at very various prices; the highest was £1 : 10s. per hogshead, and the lowest (a vile ordinaire, no doubt) is entered

[1] Garderobæ Edw. I., 4to, 1787.

at, for forty hogsheads, £3 : 18 : 4; making the price per hogshead 1s. 10d.!

We have carefully weighed the various theories as to the woods of Galloway as respects the year 1330; and whilst we deprecate the cold scepticism which would level all the ancient forests at a blow, we equally doubt the existence of any such monarchs of the forest, now unmatched for size, as are sometimes said to have been grown on the site of mosses in bleak exposures. Common sense will lead us to the mean, which is probably the true conclusion. On the east of the county, along the Cree, there was, in the fourteenth century, some remains of the primeval forest; but as respects the peat-mosses further west, the woods (which certainly did once exist there) belonged to an age far anterior to 1330; wherever the slopes were protected from the west and south-west gales, no doubt there were frequent patches of trees; and in all the glens and ravines which abound in the Rhinns (excepting the narrowest portion towards the Mull, where the sea-blast has full sway) there was, we may feel assured, a strong natural growth of oak, interspersed with birch and alders (willows prevailing near the streams); with an undergrowth of hazel and thorn (black and white). We write popularly, and not scientifically, and therefore shall not enter on the subject of what other varieties may have existed; endeavouring merely to give an outline of general features. As to the size of the timber, that may be safely determined—by an examination of what now exists in sheltered glens, where it has remained unthinned and uncared for—not to have been large. Great misapprehension exists as to the real dimensions of trees dug out of mosses. A trunk of very ordinary size lying across a peat breast, or intercepting a drainer in his operations, strikes a casual observer as enormous, an idea which a careful measurement and comparison with trees of average height in the neighbourhood will entirely dissipate. It must be understood that we restrict these remarks to the Rhinns, although we believe them to be applicable to the whole of Galloway.

There was no lack of chapels at this date.

Besides the parish churches of Leswalt, and Kirkcolm, or St. Columba; there were, in the neighbourhood of Lochnaw, St. John's Chapel, on the site of the present castle at Stranraer; Chapel Patrick, at Portpatrick—then called the black quarter of the Inch; St Mary's Chapel,[1] on the shore of Lochryan, at Salchrie (or Salaquharry, as it was then spelt); whilst a chapel also existed at East Kirkbride or Wellhouse, and another in the lands of Balsarrock, both in the parish of Kirkcolm, and both of which have long disappeared. No vestige remains of either building, nor is there any record of their existence; though the fact is handed down by strong tradition, and solitary gravestones occasionally turned up by the plough mark the spots used as burying-grounds adjacent to them.

In endeavouring to sketch the aspect of Wigtownshire in 1330, we must not omit a feature now entirely faded from the scene—the Monk! In Galloway then, as in Italy at the present day, the inevitable friar graced every landscape. Of these there was no lack; there were friars white and friars grey, black friars and red, and parti-coloured. Within an easy ride of Lochnaw stood the priory of Soulseat, inhabited by Augustines, clothed in white from head to foot. Subject to the spiritual rule of these as their superiors, there was St. Ninian's famous convent of Whithorn, more euphoniously called Candida Casa. At Wigtown dwelt a colony of Black Friars, and the Abbey of Glenluce belonged to a fraternity of Cistertians, who, if not otherwise useful, at least were picturesque, their black cowls contrasting well with the white habits of their order.

[1] This chapel must very soon after have fallen to decay, as we find an Agnew of Lochnaw renewing a charter of the chapel croft, in 1526, referring to an older and similar deed; which croft included the site of *Kilmorie* or St. Mary's Chapel, then ruinous.

CHAPTER VII.

THE BLACK DOUGLAS AT LOCHNAW.

After droght comneyth rayne,
After plesur commethe payne;
But yet it contynyth nyt so.
For after rayne
Commyth drought agayne,
And joye after payne and woo.—REL. ANT.

IN the preceding chapter, we have given the historical and simple story of the first settlement of Agnews at Lochnaw, as far as it can be gathered from authentic records; but we may be doing an injustice to the energy of the young Lord of Larne in not adopting the traditionary account, as fully believed by the oldest inhabitants, according to which he took a much bolder course to obtain a footing in Scotland.

An Agnew, say the peasantry, once found himself in Galloway, and here he determined to stay; and courting adventure in the true Norman spirit, he cast his eyes about him for a well-housed foe.

The King's Castle of Lochnaw had been taken possession of, according to our informants, by one M'Clellan, a chief of a native race; and here, strongly posted on the island, he set the royal authority at defiance. The castle was quite to young Agnew's taste, and he immediately besieged it, with the full approbation of the king.

M'Clellan was well provided with provision. Agnew with a small band of followers could make no impression; hence storming the castle was out of the question, and he had to resort to stratagem.

It must be understood that the island, excepting a narrow

rock at either end, was entirely taken up with buildings connected with the fortlet; one side was not many hundred yards from the mainland; and here, on a low hill-face, were the necessary office buildings belonging to the keeper. These, no doubt, were strongly defended on their exposed faces by earth-works; and inside rose the old "Court Knowe."

Agnew withdrew the besieging party from sight, and it was settled that his right-hand man should be hung on a tree beside this court-hill—the rope so arranged that the victim could himself prevent strangulation. The hanging scene was duly enacted, and the executioners retired. The plot succeeded to their hearts' content. M'Clellan had watched their strange doings, and no sooner saw them off, than, manning a boat, he rowed to the shore to see what had been done; no sooner had he landed, than out rushed the besiegers from an ambush, and M'Clellan, taken unawares, made for the stables. His retreat to the island was instantly cut off, but he and his band mounted their horses, and fought their way out of the enclosure. Agnew always following, M'Clellan gave him a long chase; nor did the former run into the old chief till he had reached the site of the Brig o' Doon. Here he dispatched him; and now, in the moment of triumph, for the first time during his day's ride he remembered his poor half-hung lieutenant. He turned his horse's head, but when, way-worn and weary, he arrived again on the shores of the white loch of Lochnaw, there the poor decoy hung stiff and cold.

Agnew now took possession of the castle, but only to restore it to the king; whereupon the constabulary was immediately given to himself, accompanied by large grants of land; and as a special mark of royal favour, he was made Sheriff of Western Galloway. Our readers must decide between the two conflicting statements!

Sheriff Agnew was not left long in undisputed possession of his dignities. In 1332, Baliol again put forward his pretensions to the crown; and in Galloway he was supported by the M'Cullochs, the M'Clellans, the M'Kies, and Ahan-

nays. Unexpectedly, however, the Macdowalls sided with the Sheriff, and the contest was tolerably even—the two parties continuing in avowed hostility, but neither gaining any decided advantage.

In 1332, the Sheriff's good friend Randolph died, and was succeeded in the regency by the Earl of Mar; and the following year he had to lament a more serious personal loss in the death of Alexander Bruce,[1] his feudal superior, who was, as well as his neighbour Sir Alan Stewart of Corswall, killed at the battle of Halidon Hill.

The civil war in Wigtown continued; and to the Sheriff's great mortification, Dougall M'Dougall, Laird of Garthland, deserted him in 1339, taking over a large following of his clan to Baliol's camp. The royalists, however, though few in numbers, were probably better disciplined, and more inured to war; and after ten years' petty warfare they were at last completely victorious, and a short interlude of peace was the result.

In 1347, David II. being taken prisoner by the English at Durham, the disaffected in Galloway again broke into rebellion. Baliol appeared upon the scene; and the Sheriff, hemmed in on all sides, must have been inevitably destroyed, had not (in 1353) Sir William Douglas, a powerful champion of the royal cause, come to his relief, and, having gained a complete victory, compelled Dougall M'Dougall and the chief of the M'Cullochs to swear fealty to King David.

These were but bad times in Galloway; the province had steadily decreased in material prosperity. Properties changed hands as one rival party or the other was elevated or depressed. The records of the time all tell the same story of ravage and confiscation. Then commenced that great waste of wood which continued during two hundred years, and bared the face of the country to the sea-blasts. Savage warfare led to the wanton burning of large tracts of woodland; as the people all the while wasted far more than they required for fuel, and also consumed vast quantities of wood in salt works. The forester's art was

[1] In 1332, Alexander Bruce succeeded his brother Robert, as Earl of Carrick.

utterly neglected, and even stringent Acts of Parliament failed to induce the proprietors to plant.

Isolated from his friends at court, having but rare communication with his relatives in Ulster, many of his neighbours unfriendly, the Sheriff's position does not strike us as a cheerful one. No doubt, when his boats were moored under his castle walls, he was safe in person from surprise; but his lands lay open to hostile incursions; and the slowness and uncertainty of communication must have added to his uneasiness, when reports were rife of the successes of Baliol.

Many a sharp passage of arms doubtless occurred among the glades and glens around Lochnaw; every circumstance of which has been long ago forgotten.

Below Topmalloch Hill, a flat piece of ground, subject to overflow from the waters from the slopes of Clashnarroch, has been from time immemorial known as the "Ghost's Haugh." Tradition can give no satisfactory reason for the name; but the little glen has been obviously the scene of more than one encounter.

Within the lifetime of the tenant now occupying the land, a number of human bones have on two occasions been discovered; a cist was also found, in which were two skulls quite entire, with the bones of two male persons turned inwards; a sword-blade was here dug up; and a vase, of a still older date, was found containing ashes.

Some childish tales have been told of ghosts actually seen here, but too vague to be worth preserving; but through such traditions we get a faint glimmering of truth, for these ghost-seers knew nothing of the bodies which had been discovered; hence the vulgar belief is doubtless founded on true stories of the frays, of which the result was these lonely burials.

The Sheriff, who perhaps enjoyed blackgame and grouse in greater abundance than his descendants, had a depredator more formidable than an ordinary poacher to contend with, as in hard winters his flocks were not secure from the incursions of a hungry wolf from the Hills of Inch.

Yet in the midst of these scenes of alarm and strife fair ladies lived and reared their families. It is difficult indeed to realise to ourselves the nursery arrangements of Lochnaw in 1350. We are even ignorant of the name of the lady who cheered the island home of the worshipful Sheriff; that "she is no myth," is certain, for there she lived, and moreover, here she presented her lord with at least one pledge of their affection, who, surviving the discomforts of his childhood, grew to man's estate, and in his turn brought home a bride, and reared another constable for his country's service.

The dates of the marriages and successions of three generations are now unknown. Sir George Mackenzie, who was able to write authoritatively as to the family descent, passes in a single sentence from the first Sheriff to his great-grandson; but as this great-grandson was in possession before the close of the century, we may assume that when David II. was liberated from confinement in 1354, another generation had succeeded to the keeping of Lochnaw. The names of a Sir John, a Sir William, and a Sir Henry Agnew are mentioned casually by heraldic writers as living at this period, but they cannot now be identified with the family of Lochnaw. On one of these Sheriffs the king, as a mark of approval of his services, bestowed the heritable office of baillie of Leswalt[1]—an appointment of some value, as it gave him a right to a fixed amount of "baillie work;" each person owing suit to the Court of Leswalt being bound to provide so many days' labour of both men and horses, and also to make certain payments in kind. All went smoothly for some years. The next most important event we have to record is the appearance of the family of Kennedy upon the scene, who for the following three hundred years played a leading part in Galloway affairs.

[1] "Afterwards his successors for their faithful services got the gift of being heritable baillie of the bailliery of Lesswade."—*Nisbet.*

Sir Patrick Agnew, in a petition to the king, 1629, quoted at length hereafter, distinctly calls attention to the fact of his ancestors being baillies of Leswalt to his majesty's royal predecessors before the time of King James I. of Scotland—by whose charter of renewal he then held the office.

In 1366 Sir Gilbert Kennedy of Dunure had from the king a charter of the lands of Broughton, Cruggleton, and others; and soon after the family obtained large possessions in the parish of Inch, and on an island in the Lochs of Inch built a stronghold, which was for long a principal residence of the chief of the name. The family of Kennedy are of pure Scottish or Celtic origin, without any mixture of Saxon or Norman blood. The statements of Nisbet and Pitcairn, that the meaning of the name is simply "the head," and that a certain Roland of Carrick, on a grant of chiefship from Neil, Earl of Carrick, A.D. 1275, assumed the name of Kennedy, thus indicating he was "the head of the house," is quite erroneous; for it is well ascertained that the name of Kennedy, or MacKennedy, was known a century before that date, and it seems reasonable to accept the derivation as given by a very old author, that "out of all doubt the same proceedit fra the name *Kennethe*, for of that name there were sundry kings, and also some very fine captains."

About 1320 John de Kennedy married the grand-daughter or grand-niece of Roland de Carrick, and by her acquired large additional possessions, and adopted in part the arms of De Carrick, which were, argent, a cheveron gules. He is usually styled Sir John Kennedy of Dunure; he also acquired (we believe in right of his wife) the heritable offices of keeper of the Castle of Loch Doon, and ranger of the Forest of Buchan.

Sir Gilbert Kennedy's mother was a Douglas, and widow of Alexander Bruce; he himself had been one of the hostages for the king in 1354. As local connections form an important clue to county history, it may be well that we should mention that Alexander Bruce had married Eleanora,[1] daughter of Archibald Douglas and sister of William first Earl Douglas. Eleanora, Bruce's widow, remarried Sir James Sandilands of Calder, and their daughter Marion married this *Sir Gilbert Kennedy*, who had now succeeded his father, Sir John Kennedy of Dunure.

[1] This lady had *five* husbands—Alexander Bruce Earl of Carrick, Sir James Sandilands of Calder, William Towers of Dalry, Sir Duncan Wallace of Sundrum, and Sir Patrick Hepburn of Hales!

Sir Gilbert had, amongst other children, an eldest son, Gilbert, whom he disinherited because his second son, Sir James, married the king's daughter,[1] and a younger son, Alexander, a bold and violent young man, usually called "Alschunder Dalgour," i Alexander of the dagger.

In 1372, the Earl of Wigtown, a wise and able man, was su ceeded by a very worthless grandson. Three years before th the Douglases had made a great stride towards Western Galloway a royal grant investing William, Earl Douglas, with the lordshi of all the lands between the Nith and the Crée; and on t succession of this second Earl of Wigtown, Douglas forced hi to dispose of the superiority of his county for five hundr pounds.

Alexander Kennedy had, through his mother, a near connec tion with the Douglases, as also a claim from friendship to th Bruces, rather than from blood, on the hospitality of Lochnaw and he was continually coming and going on errands of a ver dubious nature across the marches of Carrick. A curious sto is told of one of his rough jokes played off at Wigtown, o whom the butt was the above-named Earl of Wigtown. "Ale ander," says the chronicler, "fell in misliking with the ea who was a very great man, and who was so far offended at hi that he offered the forty-merk land of Stewarton, in Cunningham to whoever would bring him Alexander's head; the which coming to Alexander's ears, he immediately had a formal charter t these lands drawn up, and then getting together a hundred horse men rode all night, and on Yule-day morning came suddenly t the town of Wigtown when he knew my lord would be at morn ing mass. Alschunder Dalgour burst into the church, and goin straight up to the Earl of Wigtown: 'My lord,' said he, 'ye hav promised this forty-merk land to any one who would bring my head to your lordship, and who so meet to present it as yo lordship's very humble servant; may I therefore crave that ye will now redeem your promise to myself as ye would to an other man.' So saying he produced the charter, his hand wa

[1] The Princess Mary, second daughter of King Robert III.

on his sword, his followers crowded in behind him. 'The earl perceived that gif he refused the same would cost him his life, and therefore took pen and subscribed the writ.'

"Alexander humbly thanked his lordship, and, taking his horse, lap on, and came his ways. And he and his heirs bruiks the same at this time, at the least to the sixteen hundred and tv a year of God."

All this while the Agnews were on the best possible terms with the Douglases, who not only treated them with consideration, but on more than on one occasion had come to their relief when hard pressed by the old native families. But in 1388, James, Earl Douglas, son of William before mentioned, fell at Otterburn—the Chevy Chase of border song—and with this brave earl the direct male line of his house ended by ordinary rules. These were not, however, ordinary times, and Archibald, his natural son, a bad and violent man, possessing himself of his father's estates, claimed also the earldom, and even this the king himself was not strong enough to dispute.

This was the famous, or rather infamous, Black Douglas, known also as Archibald the Grim. He rebuilt and lived at the Castle of Threave, and set to work systematically to reduce all the Galloway barons to a state of vassalage to himself.

In the year 1375, George, tenth Earl of Dunbar and March, settled upon his second son, David, the lands of Mochrum in Wigtownshire, as well as those of Cumnock and Blantyre. From this David Dunbar sprang the houses of Mochrum and Baldoon.

The Dunbars are a family of Saxon origin, who trace their descent from Cospatrick, Earl of Northumberland, who, settling in Scotland in the days of Malcolm Canmore, received from that monarch the lands of Dunbar, whence the family name. The etymology of the word is, "The fort on the height." Lord Hailes gives the English "Topcliffe" as synonymous.

About this time Sir Fulke Agnew dying in France, the family of Lochnaw became the sole representatives of the old Norman Agnews.

[1] *Hist. of the Kennedies*—Pitcairn.

Much about the same time, a young man of Norman descent, Robert Fitzgerald, arrived as a fugitive in Wigtownshire. He was a son of the Earl of Desmond, and owned the lands of Adare in Ireland, where, in a family feud, he had killed a person of distinction; and a powerful combination being formed against him, he fled to Galloway, and was hospitably received at various baronial houses, where he remained a guest, taking the name of Robert Adare.

During his visit, Currie, who held the Castle of Dunskey, was declared a rebel, as an incorrigible robber and a pirate. A proclamation was made, that whoever should produce Currie, dead or alive, should be rewarded by his lands. Robert de Adare saw an opening by which to retrieve his fortunes, and watched the Castle of Dunskey by day and night. At length the redoubtable robber issued one evening from his hold with few attendants, and was instantly followed by Adare, who, engaging him hand to hand, got the better of him, drove him slowly backwards, and at last, at the head of Colfin Glen, dispatched him outright by a blow from the hilt of his sword. Possessing himself of the robber's head, Adare hastened to court with all convenient speed, and, presenting his trophy to the king (as tradition says) on the point of his sword, his Majesty was thereupon graciously pleased to order his infeftment in the lands and castle of the rebel. His family were known as the Adares or Adairs of Portree, when a later generation, wishing to perpetuate the memory of their ancestor's exploit, built a castle on the spot where Currie was struck down, which they called *Kilhilt*, and from which they then took their designation.[1]

Meanwhile Alexander Kennedy "of the Dagger," who was now guardian to his nephew of Dunure, having played many pranks similar to his escapade at Wigtown, began to grow proud, and as it was feared that he would next try to disinherit his

[1] The Adairs' crest is a "*man's head couped and bloody.*" Nisbet says, "They carry for crest a bloody head, for killing one Carey, a proscribed rebel in Scotland."

brother's son, certain of his relatives took him in his bed, cast feather beds above him, and smothered him.[1]

Sir Thomas M'Culloch was then laird of Mertoun; and Dougall M'Dowall of Garthland, dying about the same time as James, Earl Douglas, was succeeded by his son Fergus.

This Sir Fergus attached himself to Douglas, a new phase in Galloway combinations;[2] and hence Archibald the Grim was able, with less opposition, to advance to the Rhinns, where he demanded that the Sheriff should resign his lands and offices into his hands, to be received back and held of him, Earl Douglas; and on Agnew's refusal, he laid siege to the Castle of Lochnaw.

The demands of the Black Douglas upon all the landowners were twofold—1st, That all charters whatsoever should be delivered up to himself, and new ones of his own accepted in their place; and 2dly, That they should pay him black mail in return for his protection. As a part of this system every parish in the province was required to furnish him with a yearly fat heifer for killing and salting at Martinmas, as winter provision for the garrison of Threave.[3] Imprisonment and death were threatened in default.

The old native families, holding allodially, had no charters of an older date than the time of Baliol or Edward I., some were said to have none; but the families of foreign extraction—such as the Stewarts, the Agnews, the Adairs, the Campbells, the Kennedys, the Dunbars—would not, of course, have settled down on their recently-acquired holdings without receiving deeds in proper form.[4] All, however, whether having charters or no

[1] "Quhairupon they conveynand in Donour tuik him in his bed, kaist fedder bedis abuiff him, and smoritt him."—*Hist. of the Kennedies.*

[2] In a charter of this date appear the names of Sir Thomas M'Culloch, Sir Fergus M'Dowall, Sir Alexander Gordon, and Sir Alexander Cairns, Provost of Lincluden.

"This Sir Fergus Macdowall of Garthland was the first of the family that seems to have lived in any kind of decency with the house of Douglas."—*Crawford.*

[3] These were regularly collected, and called "Ladner Marte kyen"—Larder Martinmas cows.

[4] "It is impossible old charters could be preserved in that country. First, in

charters, were expected to resign their lands formally into Douglas' hands, and hold henceforth of him.

Of course the unfortunate Constable of Lochnaw could offer no serious resistance to the forces of the earl; and only so far derived benefit from his insular position, that he was able to make better terms for himself and family than he otherwise might have done. Finding that the siege might be a matter of longer time than suited his convenience, the haughty earl agreed to allow the Agnews free liberty to depart "in peace," they giving up all the evidences by which they held their lands, and removing forthwith from their possessions. Which treaty being concluded, all the Agnews were to be seen wending their way down—a sorrowful cavalcade—to the shores of Lochryan; whence the Laird of Lochnaw, the great-grandson of the first proprietor, took shipping with his family and a few retainers, and crossed the channel to the Bay of Larne.[1]

The further particulars of this catastrophe can only be gathered from Sir George Mackenzie's pithy phrase, "the Castell of Lochnaw was blowen up."

The act of the Black Douglas was certainly a cool one, as the castle was the king's; as to that responsibility, however, he troubled himself little, giving to one of the kinsmen the title of constable. And after allowing his retainers to divide the booty amongst themselves, he bestowed the lands of Lochnaw on an

the time of the war with England, Edward I. either carried away all, or destroyed, not only our public archives and the monuments of antiquity, but even the private deeds of particular families he could come by. And what might have escaped this mighty Edward were more fully, yea entirely, rifled by Archibald, Lord of Galloway; he forced all the barons of the crown there to give up the charters and evidences of their estates and tenements, and if any of them were backward *their houses were utterly destroyed*, and therein all the charters by which they held their possessions were irrecoverably lost. And this is the reason that, although there be many ancient families in Galloway, yet not one gentleman in that whole great lordship has any writings or charters of his own estates preceding the time that the lordship of Galloway came to the house of Douglas."—*Crawford.*

[1] "His great-grandchild was opprest by the Earl of Douglas, by whom the Castell of Lochnaw was blowen up."—Mackenzie, *MSS.*

illegitimate son, William Douglas, who thereupon designed himself Lord of Leswalt,[1] and Constable of Lochnaw, and soon after assumed the style of Sheriff of Wigtown.[2]

[1] Chalmers says, "During the reign of James I. William Douglas of Leswalt was Sheriff of Wigtown and Constable of the Castle of Lochnaw." "In March 1424, William Douglas, Vicecomes, witnessed a charter of Archibald Earl of Douglas."

"William Douglas held the lands of Lochnaw and the constableship of the Castle thereof, both of which he transferred to *Andrew Agnew* in 1426."

"This Douglas was probably of a bastard family."—*Caledonia.*

We have in our possession the last-named deed, and it is singular that in it William Douglas does not style himself Sheriff, but simply lord of Leswalt. The Duchess of Tourenne granted him other lands, but she does not style him "Vicecomes," but simply of Leswalt. The king confirmed both these transactions, but in neither of the official deeds terms him anything but William Douglas of Leswalt. Hence the "Vicecomes," in witnessing a deed of his powerful kinsman, was obviously pure assumption.

[2] *Art.* Agnew.—"His successors, for their faithful services, got the gift of being heritable bailies of Lesswade, Munbrick, and Drumastoun, which are distinct jurisdictions within the shire of Wigtown, but were sore opprest by the Earls of Douglas, who demolished the Castle of Lochnaw."—*Nisbet.*

"It seems they were obnoxious to the Earls of Douglas, who at last entirely demolished their Castle of Lochnaw."—*Playfair.*

CHAPTER VIII.

THE FIRST HEREDITARY SHERIFF.

Fra me and fra mine,
To thee and to thine,
Als free as the kingrik is mine,
To verify that this is suith,
I bite the quhite wax with my tuith.

CHARTER OF WILLIAM I.

THE ex-constable of Lochnaw found Ireland little to his liking, and repaired shortly after to the Scottish Court at Perth. From the aged monarch, Robert III., he received much commiseration, but no assistance. He became a member of the royal household, where he stood in high favour, and he himself, his son, and in due time his grandson also, are called "scutifers," which may perhaps be taken as an equivalent for equerry in modern court style. Although here they enjoyed some position, and received various marks of approval from the royal family, they seem to have had no pay, as in a charter granted to the son, in which both father and son are termed "beloved friends and scutifers," the gift is declared to be a recompense "for gratuitous services manifoldly rendered" "by Andrew Agnew and his son Andrew to us and our predecessors."

At court the young man had the good fortune to attract the favourable notice of the Princess Margaret, who married Archibald, son of the Black Douglas, whose soubriquet was "Tyneman," and she became, in right of her husband, Countess of Douglas and Duchess of Tourenne. Though not inclined to love the name of Douglas, young Agnew was sincerely attached to this lady, and had soon cause to be grateful for her good offices. Her sister, the princess Mary, was already connected with Galloway, having mar-

ried the second son of Sir Gilbert Kennedy, who, as before mentioned, had thought himself in duty bound to disinherit his eldest son in favour of the one who had connected himself with royalty. But this sister's married happiness was of short duration, as Sir James Kennedy, her husband, was killed in a quarrel with his incensed elder brother, leaving the princess a widow with two sons, the elder of whom was Gilbert, first Lord Kennedy, well known in Galloway; and the second, James, was successively bishop of Dunkeld and St. Andrews, and chancellor of Scotland.[1]

Meanwhile, in Galloway the Black Douglas carried everything his own way, and after ruling supreme for many years, died towards the close of the century. The "Tyneman"[2] succeeded, and, in 1401, commanded a Galloway force at the battle of Homildon in Northumberland, in which Gordon of Lochinvar, the warden of the Western Marches, was killed, and the earl himself, and Sir Fergus M'Dowall of Garthland, were wounded and made prisoners. Both were however released on paying ransom.

Some years afterwards we find a curious transaction between the Laird of Garthland and the Douglas, by which, to ensure his son's succession, the former resigned his lands into the hands of Earl Douglas, by whom they were reconveyed to his son, by charter dated 1414—"The said Thomas and his heirs rendering yearly to us our heirs and successors for the lands of Garochloyne, Lochans, and of Lougan, one suit only at our court at Wigtown."[3]

[1] The traditional account of this marriage is as follows :—

"King James the First send ane of his dochters to the Laird of Donour to foster, quha remaynit with him quhill scho was ane woman. At the quhilk time, the ladyis awin sone (James) heffing mair credeitt in his moderis house nor hir stepsone, he being in luiff with the young lady, gettis her with bairne. The king hir fader being far offendit thairatt, culd find na better way nor to caus him mairie her. And sa the Laird of Donour disereist his eldest sone, and maid his second son Laird." Pitcairn remarks—"It is obvious this is an error." "Sir James married the second daughter of king Robert III.," and "widow of George Douglas, Earl of Angus." She certainly was daughter of Robert III. Tradition is usually inaccurate as to particulars; but according to Noble, "History of the Stewarts," the princess was not then a widow, but re-married after Sir James Kennedy's death.

[2] So called from losing so many battles.

[3] Garthland Papers.

The witnesses are "Sir Fergus M'Dowall himself, Sir William Douglas of Eskford (nephew to the Earl), Sir John Herries of Terregles, Sir Herbert Maxwell of Carlavroke, Sir Alexander Gordon, Master Alexander Cairns, Hugh Campbell, and John a Kersane."

Sir Alexander Gordon, then styled of Stechell, whose father Sir Roger was slain at Homildon, is the ancestor of the house of Lochinvar.

Hugh Campbell was son of Alexander Campbell of Corswall. John a Kersane, or Accarson, was of an ancient Galloway family, designed of "Glen," which in the reign of James IV. ended in an heiress, Agnes, who married Sir Robert, then a cadet of Lochinvar, who thereupon took the style of Glen; until upon the death of his elder brother at Flodden, he became heir of Lochinvar.

Archibald "Tyneman," Earl of Douglas, after being created Duke of Tourenne in France, was killed at the battle of Verneuil in 1424, upon which the superiority of Galloway devolved on his widow, the Princess Margaret, who usually styled herself Duchess of Tourenne. And in the following year, the duchess received a confirmation from her brother, King James I., of the whole lordship of Galloway, and proceeding thither took up her residence with feudal pomp at the old castle of Threave. Here she was accompanied by her young protégé Andrew Agnew, who, now that the terrible Douglases, father and son, whom he had both feared alike, were no more, gladly accepted a service which led him back to Galloway. There was also another attraction to the youth in the person of a fair scion of the house of Dunure, a daughter of the duchess's sister, the Princess Mary.

On finding her squire would fain make her niece his bride, the duchess's influence was at once exerted to provide the young couple with a home. An arrangement satisfactory to all parties was soon made. She granted to William Douglas, who still kept possession of the lands of Lochnaw, other properties as an equivalent, upon which he agreed to surrender the estates

and offices in which he had been installed by his kinsman to the son of the rightful owner, who had been so unceremoniously dispossessed.

The happy young equerry, whilst these negotiations were in progress, visited the dismantled castle of Lochnaw, receiving a generous welcome and hospitality from his father's friends, the lairds of Garthland, Corswall, and Kilhilt. In passing from one to the other, as he rode along the margin of the lake and by the old court hill, he would doubtlessly wistfully gaze at the dilapidations which had occurred since his summary ejectment in his boyhood. At last, all being arranged, and accompanied by his three friends and other neighbours in grand cavalcade, he rode joyously to Wigtown, where, by a formal deed prepared by order of the duchess, the constabulary, bailliary, and all the lands of Lochnaw, were entirely given up by William Douglas, who therein simply styles himself "Lord of Leswalt," and resigns the constabulary of Lochnaw, with the lands of Lochnaw and Garucher, and the office of bailliary of Leswalt, to Andrew Agnew, "with all fishings, huntings, and fowlings, all right of holding courts and receiving heregelds, bludewitts, and with merchets of women." This deed was subscribed at Wigtown the 10th day of November 1426, before these witnesses:—

"Alexander Campbell, Lord of Corswell; Thomas Macdowall of Garfland;[1] Nigel Adare of Portree; Adam de Dalzell of Elliotstown; and Master Gilbert of Park, secretary to William Douglas."

A charter of confirmation was executed immediately after by

[1] "Of this Thomas Macdowall, who got the charter from the Earl of Douglas, I have not seen any other thing memorable save that he is witness to a charter under the great seal of King James I., ratifying and confirming a grant by Margareta Ducessa de Turrin . . . dilecto scutifero suo Andrew Agnew de officio constabularii de Lochnaw, together with the lands of Lochnaw. The charter bears date 10th November 1426. It is in the registers of King James I. in the publick archives at Edinburgh. It was about this time that the house of Lochnaw came to be sheriffs of Wigtown."—*Crawford.* He married a daughter of Sir John Wallace of Riccarton and Craigie, and had, besides Uchtred his successor, Andrew, to whom his father gave the lands of Elrig, and Gilbert, ancestor of the Macdowalls of Barjarg.

the duchess at Threave Castle, or, as she writes, "apud *Treyf*," styling herself Margareta, Ducissa Turonie, Comitessa de Douglas, Domina Galvidie et Vallis Annandie;[1] and the transaction was further ratified by a charter under the great seal, given at Perth; in which the king approves the gift of his dear sister (*charissima soror nostra Margareta*), "dilecti scutiferi nostri Andree Agnew," which he confirms to him in fee and heritage for ever.

Agnew was little disposed to quarrel with the mode of the gift which replaced him in the possessions of his fathers; more especially as he was bound to the good duchess by the strongest ties of gratitude and affection. But in the whole transaction the superiority of the Douglas is assumed, and the fact admitted by the king. It gives a curious idea of the "unlaw" of the times, that an officer holding the king's commission could be plundered, stripped of his authority, and that the sovereign could be not only outraged in his officer's person, but have his own royal castle destroyed by a vassal of the crown, and that the only redress the king could afford his injured subject was by sanctioning the negotiation by which he received back his offices and lands; these to be held under the family which had wrongfully deprived him of them.

The fifth Earl of Douglas was not so powerful as his ancestors, for his mother, retaining the lordship of Galloway as her dower, survived him by a year. Being also the king's nephew, near family ties may have conduced to keeping him

[1] "Quamquidem cartam officia donationem et concessionem in eadem contentas in omuibus suis punctis, articulis, conditionibus modes ac circumstanciis. . . . Approbamus ratificamus et pro nobis et successoribus nostris Galvidiæ dominio . . . in perpetuum confirmamus."—*Duchess of Tourenne's Charter.*

The charter of James under the great seal runs thus:—"Dilecti scutiferi nostri Andrea Agnew, terre de Lochnaw, etc. In feode et hereditate in perpetuum. Per omnes rectas metas antiquas et divisas, in viis, semitis, aquis, stangnis, moris, maresiis, boscis, planis, pratis, pasciis et pasturis; piscationibus, venationibus, et aucupationibus; cum curiis et eorum exitibus, herezeldis, bludwetis, et cum merchetis mulierum. Cum molendinis multuris et eorum sequelis; cum libero introitu etiam et exitu ac cum omnibus aliis et singulis libertatibus, commoditatibus asiamentis et justis pertinenciis suis quibus cunque," etc.

in a state of more decorous submission to royal authorities than his predecessors.

Immediately after his settlement at Lochnaw, the marriage of the young laird with the niece of his liege lady was duly solemnized. Gilbert, the elder brother of the bride, was, many years after, created Lord Kennedy.

No attempt appears to have been made to maintain a royal garrison in the old fortlet on the island; indeed, it had been so effectually shaken when in the grip of the Black Douglas, that it afforded small convenience (even according to the very limited requirements of the time) for a family residence; and the constable set busily to work to build a better house for himself and his gentle bride.

He selected a site on the south shore of the lake, on which considerable engineering skill was bestowed to render it secure from ordinary raids, and even capable of sustaining a siege against a moderate force. And here he built the castle, of which a great part stands to the present day.

The old statistical account of Scotland thus notices its appearance last century, at a time when, with the exception of the removal of the moat and certain out-buildings, it stood with no material change since the date of its building.

"Lochnaw is a very ancient edifice built on an elevated situation, and seems to have been intended as a place of very strong defence in former times. On the south side it was protected by a deep fosse, the vestiges of which may be traced at the present day; and on the north was more strongly defended by a lake of water called Lochnaw."

The elevation mentioned seems to have been attained artificially, by throwing the earth inwards in excavating the ditch, by which means a mound was raised, of which the point facing the lake was scarped steeply down to the water's edge. The castle was surrounded on the other three sides by a moat, and was only accessible by a drawbridge. Had the inmates ever been hard pressed, of which we never read, they had the old keep in the island as a refuge to retire to.

The centre square tower of Lochnaw, as then built, remains untouched to the present day; it is five storeys high; the walls are of great thickness, and a steep winding staircase of rough stone leads to a small watch-tower, commanding views of all the surrounding country—of the Irish coast, the Mull of Cantire, and the Ayrshire shores of Lochryan. Battlements crowned the castle walls, round which the garrison could circulate freely, in which deep projections, at intervals, admitted of a flanking fire. In the floor of the battlements above the entrance door, and on either face, flagstones could be raised at pleasure—forming what are technically called machicoules,[1] apertures through which missiles, stinkpots, and other appliances of border war could be hurled on the heads of any assailants, had they succeeded in forcing the outer lines of defence.

Here and there quaint gurgoyles protrude; but it is possible that these are more modern than the battlements, and that originally some small wall-pieces may have done the duty of artillery. Over the doorway the builder placed three small quaint shields in stone, rudely carved, to represent the armorial bearings[2] of L'Isle, Lochnaw, and Larne.

Standing in this courtyard, we can still perfectly recal the scene as it presented itself in mediæval times. It is true that sundry outbuildings have been swept away; and the gate-house, with its massive archway suspending the portcullis—"The Pend of the Yett-house," as our ancestors technically termed it—has disappeared, as well as all traces of the moat and

[1] These were more common in Scottish than in English castles. The latinizing of such adjuncts in old charters is somewhat amusing—thus, in a charter of James V., dated 20th October 1491, granting permission to erect a castle, the phrase occurs, "Fundandi castrum et fortalacium mures lapideis et fossis, etc. etc. etc.; ac cum le *machcoling*, battleling, portculices, drawbriggis, et omnibus aliis apparatibus."

[2] About this time the family generally discontinued carrying the Red Hands of Ulster, or the Paschal Lambs; bearing the arms of Lochnaw only, which, as given by Nisbet the Herald, are—"*Agnew*. Argent a cheveron between two cinquefoils in chief, gules, and a saltire couped in the base, azure. This family," he adds, "sometime carried argent three sinister hands, couped gules . . . . . but now they make use of the above blazon."

ditch; but these were never visible from inside the court. In front is the green, on which many a time cattle, in the widest sense of the term, were to be seen—collected by means which would not bear too close an investigation. Beyond, lies the lake, embowered in its woody hills, with its cluster of islands, in the centre one of which the outline of the old King's Castle can still be traced. Whilst behind, peering over the high-pitched roof of the buildings, rises the rocky hill, partially covered with brushwood, to which, doubtless, our forefathers then, as we do now, looked as a sure barometer; and when the wreaths of mist were seen gathering round it, perhaps then as now the oldest inhabitant would oracularly say, "When the Lady-Craig puts on her mantle, she sees the storm which is gathering afar."[1]

The neighbourhood of Lochnaw has been especially selected in former times for positions of defence. In Aldouran Glen, little more than a mile distant, a tongue of land projecting into the valley has been artifically detached at the neck, and a commanding position thus obtained, which is guarded by a double line of entrenchment. The remains of these earthen parapets, standing out in rounded hummocks, are called by the peasantry "*Kempes' Graves;*" they being quite unconscious that this was a Danish camp, and that "kempe," a warrior or champion, is good old Norse. There is something in the traditionary phrase; many of the warriors have probably been buried *near* the spot, but the old breastwork itself does not mark their tomb.

Within half a mile of this stands the Tor of Craigoch, thus noticed by Chalmers in his "Caledonia:"—

"Of the great conic mounts, some have been converted into mounts of defence, as we learn from the entrenchments which surround them, and the encampment on their summits. Of

[1] The sportsmen of the Rhinns have a rhyming version of this old traditionary saying, which is, however, not more poetical, and is moreover claimed for other lakes besides Lochnaw—

"When the mist creeps up the hill,
Fisher! out and try thy skill;
When the mist begins to nod,
Fisher! then put up thy rod."

this kind of mound was the Tower of Craigoch, in Leswalt parish."

There is a roadway near the summit, and other indications of the spade-work of military labourers. This spot is described in the old "Statistical Account of Scotland" as "the Tower of Craigoch, a beautiful green hill, rising in the form of a cone, commanding a full view of the Irish coast, the Bay of Belfast, the Island of Arran, and some of the Western Isles. There are plain traces of an encampment on the summit of this hill."

To the extensive prospect described might have been added —the entrance to Lochryan, Glen App, and the passes into Ayrshire, the whole of the isthmus connecting the Rhinns with the mainland, and the Bay of Luce.

This we have often heard, but with no authority, called the Roman Camp. On this spot a monument was erected, in 1851, by the surrounding inhabitants to the late Sir Andrew Agnew, the nineteenth direct lineal descendant of the Lord of Larne, who first settled at Lochnaw.

A third and more important entrenched position (at Larbrax Bay), has been already mentioned; it is similar in construction to the Camp in Aldouran, but much larger; its outlines are still well-defined on the shore of the Irish Channel, within three miles of Lochnaw. Here a mile of sandy beach intervenes in an iron-bound coast, behind which a complete semicircle of heathery hills forms the snuggest and most sheltered nook imaginable. This bay was a favourable spot for navigators of early days to beach their boats, while they revelled on shore; the entrenched camp above forming a citadel, by which the natives were kept at bay. There is no doubt that it was formed by the old Sea Kings. The spot is known as *Kempe's Walks*. Here again, as in the case of the Camp of Aldouran, the name has been handed down from time immemorial; and the present race of peasantry who use the word know nothing of its meaning. We ourselves have been told that Kempe meant fairies! and that the said fairies dance sometimes here at night.

This is an instance of how some fragments of truth underlie

most genuine traditions. The extravagance of fairy revels at night is but the story, mystified by age, of the Norsemen carousing round their camp fires, whilst outside the entrenchment a grim "*kempe*" (or warrior) *walked* sentry the while—whence the "*Kempe's Walks*" which now figures in the Ordnance Maps.

By the side of the white lake of Lochnaw stood one of these interesting artificial mounds, called in the country Motes, or "Court Knowes"—this object, so dear to the eye of the antiquary, was ruthlessly destroyed by Sir Stair Agnew towards the close of last century. He actually used it as material to form a new approach. The road-maker's contract is before us, dated Lochnaw 1791—"I will engage to make the new road WITH *the Court Hill!*" The Goth!

In 1426 the Bishop of Galloway was Alexander Vaux, descended from the Vauxes of Dirleton, and the first of the name connected with the district. A relative of his, Robert Vaux, about this time acquired lands in the sheriffdom, and was the progenitor of the Vauxes of Barnbarroch.

The Murrays of Broughton are mentioned early in the fifteenth century, as are also the Mures, who then owned Craichlaw Castle. We also find it noted that Sir John Dunbar was infeft in the lands of Mochrum in his father's lifetime, in 1432.

The Neilsons of Craigcaffie had established themselves between this date and that of our former sketch of the Wigtownshire baronage. This family traced its descent from Neil, Earl of Carrick,[1] who died A.D. 1256. They never rose to the first rank of barons, but for more than three centuries maintained a respectable position, holding on to their estates and their little strong-house with great pertinacity. Their castle, built about this time, is an excellent specimen of the houses of the smaller lairds—a small tower, battlemented on two opposite sides, with round (pepper-box) turrets flanking the two remaining sides.

[1] In Robertson's index to charters in the Great Seal Register is one of King Robert Bruce to "John, son of Neil of Carrick, of the lands of Kellechaffe, in the county of Wigtown." This mysterious Kellechaffe is no doubt Craigcaffie.

There is considerable attempt at ornament about the windows, and it now is a most respectable ruin, two yearly-men of the farm whose name it bears, with their families, occupying the first and second storeys respectively.

The situation was rather chosen for retirement than observation. It lies under the high fell of Craigcaffie, in a hollow, the site of the old Castle of Innermessan, almost within gunshot, rising betwixt it and the sea.

Formerly it was surrounded by a fosse, and further protected by marshes, but both these have been drained.

There is a local story respecting the building, that the ground being very boggy on which Neilson proposed to erect his tower, he caused large packs of wool to be thrown into the trenches he had cut, and that on these he laid the foundation stones. Tradition also places a "murder hole" of a fabulous depth, and which doubtless could reveal strange secrets, close to the entrance door. An old man (ninety-six years of age), now alive, distinctly remembers having seen the "*Jouggs*" or gorgets at the old place, to which the lairds used in old times to fix offenders caught red-hand—in a sort of pillory. Here they were held by an iron collar round the neck, attached to a staple fixed firmly in the wall.

About this time also the Stewarts of Garlies first acquired lands to the West of the Cree. Glasserton was amongst their earliest possessions in Wigtownshire, and there they built a residence; they also very early built or acquired Clary, a strong castle between Wigtown and the modern Newton-Stewart, formerly called Newton-Douglas.

Agnew of Lochnaw, now in alliance with the Douglases and Kennedies, rapidly extended his property. By a charter under the great seal, dated 1429, he acquired land in and near Innermessan;[1] including various houses, a mill, and the curious moat-

[1] In a charter of James I., date 1st February 1429, the gift bears "*de molendino cum tofta et crofta;*" and the description of the properties is "*Jacens inter torrentes in Baronia de Innermessan.*"—*Reg. Mag. Sig.*, B. iii., N. 97. By this we understand between the *Messan* and the Galloway burn.

hill in connection with which a castle was early built which commanded the roads from Galloway to the north-west, and was for many generations either the jointure-house or the residence of the elder sons of the house of Lochnaw. In these lands was included the property then designated Croach (now Lochryan), which was afterwards bestowed on a grandson of the sheriff, who was the ancestor of the Agnews of Lochryan.

In 1427 the Lady of Lochnaw presented her husband with a son and heir. One of the duties of a laird (or baron) in these days may sound startling to modern ears; for in this very year, 1427, it was ordained by statute—

"That ilk barronne within his baronie, in gang and time of the year, chase and seek the quhelpes of the woolfes and gar slaie them. And the baronne shall give to the man that slayis the woolfe in his baronie and brings the barronne the head, twa shillings. And when the barronne ordains to hunt and chase the woolfe the tenants shall rise with the barronne under the paine of ane wedder of ilk man."[1]

About the year 1440 the good Duchess of Tourenne died at Threave Castle, respected and beloved through all the province; her influence had always been exerted in the cause of mercy, and as far as she had been able—living in rough times—she had striven to mitigate the severities for which her husband and her father-in-law had obtained an unenviable notoriety. Among the long string of mourners who attended the Lady Superior of Galloway to her grave, none more sincerely lamented her decease than her former esquire, Agnew of Lochnaw. She was buried in the chancel of the church of Lincluden College, where a beautiful tomb was erected to her memory. Pennant visited the spot in 1772, and thus describes it, mentioning also the scandalous desecration to which it had been subjected:—

"Her effigy at full length lay on the stone, her head resting on two cushions, but the figure is now mutilated, and her bones till lately were scattered about in a most indecent manner by some wretches who broke open the repository in search of treasure.

[1] Act Par. James I.

"The tomb is in the form of an arch, with all parts most beautifully carved; on the middle of the arch is the heart, the Douglas's arms, guarded by three chalices set crossways, with a star near each.

"On the wall is inscribed 'à l'aide de Dieu;' and at some distance beneath, 'Hic jacet D-na Margareta, regis Scotiæ filio quodam, Comitessa de Douglas, D-na Gallovidiæ et Vallis Annandiæ.'

"In the front of the tomb are nine shields, containing as many arms."[1]

The duchess's son, the fifth Earl of Douglas, had died in 1439, leaving three children—William, the sixth earl, and David his brother, who were both assassinated when under age in the Castle of Edinburgh. Also the Lady Margaret, famous as the "Fair Maid of Galloway," whose great-uncle, the Earl of Avondale, known as "James the Gross," then became seventh Earl of Douglas; and he dying in 1443, the "*Fair Maid*" married her cousin William, the eighth Earl.

The Lady Margaret was heiress of the Lordship of Galloway, and by this marriage the House of Douglas became more powerful than ever. The eighth earl had not only to obtain a papal dispensation to legalise his marriage, but had first to repudiate a wife he had previously wedded.

Time passed on, and very early in life (about 1448), the young Laird of Lochnaw was married to a daughter of his father's early friend and neighbour, Thomas M'Dowall of Garthland.

The Douglases recommenced their oppressions, and Lochnaw was no longer exempted from their attacks; for particulars of this we have only the authority of local tradition, and that in a somewhat vague form. It is said that a party of Douglases was closely besieging Lochnaw, and as they were pressing the attack, a band of M'Ewans, a stalwart race who had lately arrived from the Highlands, opportunely came to the rescue, and, taking the Douglases in the rear, obliged them to fly. They took many

[1] Pennant's *Tour in Scotland.*

prisoners, and plundered their camp; but, fearful of the return of the enemy, to destroy all evidence of their doings, they let loose the prisoners, and threw their arms into a deep flow-moss, called Lochnafolie.

One might rather have expected that a party of Highlanders under such circumstances would have thrown the disarmed men into the moss-hole, and appropriated their weapons!

Whilst still a stripling, the young Laird of Lochnaw was received into the royal household, his father having continued to retain his position at Court; and the youth became an especial favourite of the young king James II.[1] In 1450 his Majesty was married with great pomp to Mary of Gueldres, on which occasion the Agnews, father and son, most probably attended.

An anecdote of the doings of the courtiers on this auspicious occasion illustrates the phase of civilization which our ancestors had entered.

The marriage-feast was spread in the Palace of Holyrood, and the king led in his bride dressed in a violet-coloured robe, lined with ermine, her long hair hanging over her shoulders. No sooner were they seated than, as a well-arranged surprise, the gentlemen of the household carried in a boar's head in an enormous platter, ornamented with heraldic devices. The head had been ingeniously piquèd with tufts of flax, which were suddenly lighted, and the blazing dish set down before the queen.

This achievement was hailed by shouts of applause, which resounded through the hall; and as the grim features of the old boar gleamed through the fiery halo—jets of liquified lard seaming his melting countenance, loud cracklings the while betokening no slight danger to the Queen's velvet dress—the acclamations were repeated again and again, and were taken up and re-echoed by the crowd outside. Her Majesty, meanwhile, bowed a graceful acknowledgment to her attendants; and, as the wicks burned dim, the well-roasted remains were carried away to be greedily devoured by the populace without.

[1] Playfair's *Br. Fam. Ant.* Chalmers' *Caledonia.*

After this elegant divertisement, the dinner began. It was a dinner indeed! In place of the boar, a magnificent silver ship was placed opposite the queen, having salt, sugar, spices, and various condiments in compartments; and, with the assistance of these, course after course was disposed of, which succeeded one another without intermission,—and without forks,—during five long hours. After such a dinner we are less surprised than the reporter seems to have been, to have to relate that "there was neither dancing nor supper."[1]

As an episode of this repast, it is added that at one of the tables sat five dignitaries of the Church—a legate, three bishops, and an abbot; wine and "other liquors being as plentiful as sea-water." The reverend fathers all partook out of the same wooden bowl, and be it noted specially, "without spilling any."[2]

The year following these bridal festivities, by a charter, now in the Great Seal Register, "Penes dominum de Lochnaw," the king, "for the singular favour, love, and affection" which he bore "to his faithful friend and esquire," granted him the "Sheriffdome of Wigtoun to himself and heirs in fee and heritage for ever."[3]

It would seem that the king was then endeavouring to re-assert his authority in Galloway; but that such was the terror inspired by the Douglases, that the Lord of Lochnaw was not inclined to risk the destruction of his newly-finished castle by an indiscreet assumption of his office.

Indeed, it appears that he never acted upon this commission at all, as a second charter, of precisely a similar purport, was granted to him after the death of the eighth Earl Douglas in the following year. Several incidents which occurred in the intermediate year account very satisfactorily for the disinclination, or rather inability, of Agnew of Lochnaw to assert his rights in open opposition to Earl Douglas.

[1] Pinkerton. [2] Wallace. [3] Nisbet.

CHAPTER IX.

THE FIRST HEREDITARY SHERIFF.

Trowit and lovit wel with the king,
This ilke guid and gentyl knycht,
That wes baith manful, lele, and wycht.—WYNTON.

SIR JOHN HERRIES of Terregles, a Galloway baron of family and importance, had had his estates plundered by vassals of the Earl of Douglas. Herries pursued the offenders to their own homes, and even then only succeeded in recovering a very small portion of the goods that had been stolen. These border thieves, however, appealed to their feudal superior, who at once arrested the Laird of Terregles, and imprisoned him in irons. The king wrote several times, entreating rather than ordering that he should be released, and at last sent a royal herald with positive commands that on no account was Herries's person to be injured; yet, "notwithstanding this," says Buchanan, "the earl hanged him as a common thief;" and when the injured laird was brought before the despot, the latter thus scoffingly addressed him:—"You petty Galloway barons can but rarely deck your little blockhouses with a poor dangling villain, but the gallows-knob of Threave has not wanted a tassel for the last fifty years. Herries's henchman has already hung there since last night, let him now give place to his master the laird of Terregles."

The next person who suffered under the earl's displeasure was Agnew's brother-sheriff, Sir Patrick Maclellan, the Sheriff of Kirkcudbright, better known as the tutor of Bomby. This gentleman had presumed to express himself in strong terms as to the murder of Sir John Herries, and had, moreover, resolutely refused to join in a league which Douglas was coolly organizing against the king. The earl besieged Maclellan in Raeberry

Castle, but finding that stronghold impregnable, bribed one of the wardens by a verbal promise of a ladleful of gold to leave the gate unbolted at his turn of watch; then at the appointed hour Douglas entered himself with a chosen band, secured the tutor, and lodged him in the dungeon of the castle of Threave.

Among the gentlemen of the king's household was Sir Patrick Gray, Maclellan's uncle, through whom James II., learning the sad plight the tutor "had got into, caused write ane sweet letter of supplication to the Earl of Douglas," which he dispatched by Gray himself. The equerry rode full speed to Threave, arriving as the earl had just risen from table, to whom it was announced that the king's familiar servant was at the gate. Douglas rose, and descending himself to meet him, received him with great distinction, and finding he had not had dinner: "First of all, then," said the earl, "ye shall dine; it's ill talking between a full man and a fasting."

The crafty host had too well divined Gray's errand, and sending a servant at once with an order for the tutor's immediate execution, he set himself down with his unsuspecting guest, "made him good cheer, and talked of merrie matters."[1] At length dinner over, Gray produced the king's missive, which the earl received with profound respect, read it, and thanking Sir Patrick for bringing him so gracious a letter, intimated that he gladly granted his king's request; "and the rather," he added, "for your sake." Then, taking the knight by the hand, he led him to the green with much ceremony; there a white cloth was spread on the ground, and this being raised at the earl's command, the tutor's corpse lay bleeding before them. "Ah, Sir knight," he exclaimed, "You have come too late; there lies your sister's son —he wants the head, but his body is humbly at your service."

Filled with horror, the knight could only answer, "Ye have taken the head, my Lord, dispose of the body as ye please;" then calling for his horse he fiercely exclaimed as he leapt on, "Sir, as I live, ye shall yet answer for this day's bloody work." "To horse and pursue him!" shouted Douglas fiercely in reply, and

[1] Pitscottie.

Sir Patrick but narrowly escaped ornamenting the gallows-knob himself. "Seeing the earl's fury he spurred his horse, but he was chased near to Edinburgh or they left him, and had it not been his leid horse was so tried and good he had been taken."[1]

It remains to be told how this mighty man managed to satisfy his own sense of honour, and yet to cheat the wretch he had induced to play the villain. The warder, whose treachery had cost the tutor his life, appeared to claim his stipulated payment. "True," said Douglas, "I promised the knave a ladleful of gold, but he shall drink it; melt it, and pour it down the scoundrel's throat!" But a few days later, Douglas himself was decoyed to Stirling by a safeguard from the king, and there required to break up his traitorous confederation. This he refused, and the king thereupon struck him with his dagger. Sir Patrick Gray, Lord Gray his father, and probably the Sheriff of Galloway and his son, rushed in. Sir Patrick Gray struck down his late entertainer with a battle-axe, thus speedily avenging the insult he had received at Threave. A just retribution, although we can hardly excuse the king's gross breach of faith. Thus perished the eighth Earl of Douglas, and with him the prestige of his family in Galloway fell also.[2]

Immediately after his decease, the king granted a fresh charter to the Agnews of the sheriffship of Galloway, making it heritable in their family for ever, and even including the natural sons of the Sheriff in the remainder. We give the charter at length as a curious document. The presence and assistance given in the critical scuffle at Stirling is no doubt included in the royal acknowledgment of the "*manifold services gratuitously rendered* by the father and his son."

[1] Lindsay.

[2] Among the last acts of the Douglases in Wigtownshire was a charter granted by the eighth earl to Robert Vaux of the lands of Barglass and Barnbarroch, dated 26th January 1451, in consideration of a sum of money paid to the said earl by the said Robert, with this whimsical condition attached—"To be holden under the earl in fee and heritage, paying therefore yearly *one white or red rose* at the feast of the nativity of John the Baptist."—*Barnbarroch Papers.*

"PENES DOMINUM DE LOCHNAW.[1]

"James, by the grace of God, king of the Scots, to all good men (etc.), greeting—Know that for the singular favor, love, and affection we bear to our lovit friend and esquire (scutifer) Andrew Agnew; and for his and his son's gratuitous services, manifoldly rendered, and to be rendered, to us . . . by these presents we make, constitute, and ordain the said Andrew Agnew to be our Sheriff of Wigtoun.

"The said office of Sheriff of Wigtoun, with all the pertinents, to be held and possessed by the said Andrew Agnew for the whole term of his life; and after his decease by Andrew Agnew, son and apparent heir of the said Andrew, and by the heirs male of his body, lawfully begotten; whom failing, by Patrick Agnew, natural son of the said Andrew, and the heirs of his body, lawfully begotten; whom failing, by Gilbert Agnew, natural son of the said Andrew Agnew senior, and the heirs of his body, lawfully begotten, in fee and heritage for ever (the which foresaid persons failing, then freely to revert to us or our successors), with the fees, profits, emoluments, liberties, commodities, easements, and just pertinents whatsoever, as well unnamed as named, in any way justly held to be belonging to that office, or that may hereafter belong to it, freely, quietly, fully, entirely, honourably, well and in peace, with no let or hindrance whatsoever.

"With full and free power to them of ordering, beginning, holding, ending, and (when needful) of continuing Sheriff's Courts, of summoning parties, and causing them to be summoned, with power of levying fines, issues of court and escheats, and of destraining, if need be, for the same, and of punishing delinquents.

"With power of receiving and calling on pleas; and receiving and opening the breves from our chapel (presented to Andrew himself or his heirs), and duly doing desert thereto; of hearing, deciding, and duly determining suits and questions moved in and belonging to the said courts; with power of removing mayors and serjeants from their offices and appointing

[1] This charter is in the Great Seal Register, B. iii, 99.

others as oft as to them may seem expedient; of deputing one or more deputy or deputies under them as often as it shall please them, for whom they shall be responsible, who shall have the like powers in the matters premised.

"And also with power of ordering parades, and summoning gatherings of armed men, and raising the bondmen (vincinarios), all and singular, within the sheriffdom, for the defence of the country; and, if need be, of leading the inhabitants in person to us or our lieutenant to oppose our rebels and to defend our lieges. With power of correcting and punishing the absent, remiss, and disobedient, as their defections deserve. And generally with power of doing, exercising, consummating, and executing all other things known to pertain to the office of Sheriff, whether by law or by usage.

"Wherefore we straightly command, and hereby apprize, all whom it may concern, that they promptly respond to, obey, and apply to the said Andrew, and after his decease to his heirs foresaid, in all matters pertaining to the said office; under all the penalties to which they shall otherwise be subject.

"In testimony whereof we have caused our great seal to be appended to this charter before the Reverend Fathers in Christ, James,[1] William, John, and Thomas,[2] Bishops of the churches of St. Andrews, Glasgow, Moray, and Quhithorne, our dearest cousin George, Earl of Angus, William, Lord Creichtoune, our chancellor and well-beloved cousin; our dear cousins—Patrick, Lord Graham; Thomas, Lord Erskine; William, Lord Somyrvile; John, Lord Lindesay de Biris (Balcarres?); Andrew, Lord Gray, the master of our household; Master John Arons, Archdeacon of Glasgow, and George de Schoriswod, rector of Cultre, our clerk.

"At Edinburgh, the twenty-ninth day of the month of July, in the year of our Lord the One thousandth, four hundredth, fiftieth secondth, and in the sixteenth of our reign."

[1] This was James Kennedy, son of Sir James Kennedy of Dunure and the Princess Mary, and brother-in-law of the Sheriff.

[2] Thomas Spence; Bishop of Galloway, on Alexander Vaux's resignation.

It is useless now to moralize on the obvious impropriety of making a judicial office with such extensive powers an hereditary one, with no reservation. Nor was the grossest dereliction of duty in such jurisdictions punished by depriving the possessor of the office, though powerful families not unfrequently got themselves exempted from an unfriendly sheriff's control. We are also struck, on a perusal of this charter, with the loose ideas that were entertained as to marriage. An important appointment involving authority and precedence reverts freely and fully to the illegitimate children, failing the lawful heir. No stigma attached to illegitimacy, all children taking their place in society almost equally, according to the position of their fathers.

It may not be out of place here to say a few words as to the duties and prerogatives of a sheriff.

"Ane scheriff," says Skene, "is ane principall ruler or judge of ane certain part of the realm, in Latin *Præses Provinciæ*." The modern or rather legal Latin for the term is *Vicecomes*. "Ane *Schiere* is a cutting or section (like as we say yet—'Schiere cornes,' 'Schiere grass,' or 'ane pair of schieres quhairuith cloth is cutted').

"Ane Scherefdom or Schire is a part of land cutted and separated be certain meithes and marches from the rest, within the quhilk the scheriff as judge dois justice, and pronounces decreites and domes to all the inhabitands thereof."[1]

"The jurisdiction of this judge, civil as well as criminal, was anciently very extensive, and within his own district nearly as unlimited as that of the great justiciars throughout the kingdom."[2]

We also find "earls never had jurisdiction over sheriffs, mediately or immediately; sheriffs never were named by earls, but were nominated by the king; *for those who held the office by inheritance in property derived their right originally from the crown.*" The idea is derived from a grammatical conceit derived from the etymological analogy between the Latin words "*Comes*" and "*Vicecomes*," commonly employed in the translation of earl and sheriff.[3]

[1] Skene.—*Reg. Mag.* [2] Bell's *Dictionary of Law of Scotland.* [3] Wallace.

An earl *possessed no power of shrievalty* within his earldom. In ancient times an appeal lay from the judgment of the earl, as proprietor, to the court of the Sheriff; from the Comes *to the Vicecomes*, that magistrate who has been affirmed erroneously to be his deputy.[1]

"Bishops, abbots, and earls, could not hold their courts unless the sheriff or his deputes were present, or had been duly warned."[2] And when he held his own courts, all barons, knights, and freeholders within the shire owed suit and presence.[2]

It is to be hoped that our worshipful ancestor, on receiving investiture in his office, duly complied with this excellent provision enacted by Parliament a few years before, viz.—

"Na schiref sall pas haim or returne fra the King's Court to use or doe his office, untill he have the Acts of Parliament with him; together with certaine instructions in wreit as sal be given to him be the king's Counsail."[3] Which acts, for the benefit of our readers, we shall endeavour to condense in a few sentences, and in modern phraseology.

A sheriff was (and the sheriff-depute in Scotland is still, with greatly reduced authority) the judge ordinary over a particular county. He had the principal charge in matters relative to the keeping of the peace and the execution of the laws within his territory; in most of the ancient Acts of Parliament the sheriff is expressly instructed to see them carried into effect. His jurisdiction, with not very well-defined exceptions as to the four pleas of the crown, "reached all transgressions against either the common or statutory law, especially those punishable with arbitrary pains; all offences against the public peace, such as assault, affray, mobbing, bearing of unlawful weapons, hamesucken, or of beating and assaulting a person in his own house, incendiary letters, or violent threats of any sort. He executed laws against Egyptians and sorners, vagabonds and sturdy beggars, resetters of thieves or stolen goods, and keepers of loose

[1] Wallace *On Feudal Tenures*, 4to, 1783.

[2] Bell's *Dictionary of Law of Scotland.*

[3] Act Par. Jas. II., part ii., c. 71.

or disorderly houses; against destroyers of trees and breakers of yards, cunningâires,[1] or dove-cotes;" "users of false weights, forestallers, etc. He was competent to the trial of falsehood, usury, fraud, swindling, breach of trust, perjury, bribery," etc.[2] "To this list may be added bigamy, and simple adultery (for which a sheriff could scourge and banish the county)."[2] As to his powers in cases of capital punishment, these are admitted by the severe ordinance against Egyptians, the crime of hamesucken, and in the two first of the four pleas of the crown—viz., murder and robbery. In regard to murder, it was of old a fixed rule that if the murderer were taken *red-hand*, or instanter, the sheriff should see justice done on him "*within that sunne*," or within twenty-four hours (afterwards enlarged to three days, and in 1695 to the discretion of the judge, not exceeding nine days after sentence).

In the trial for theft accompanied by violence, the sheriff was a competent judge, as it was always allowed that if a thief were taken with the fang or booty on him, the sheriff might try and do justice on him immediately, although the party injured did not insist.[2] In 1709 the Sheriff of Galloway left a man for execution at Wigtown, for the crime of horse-stealing; and on the 31st September 1746, only four months before heritable jurisdictions were done away with altogether, the Sheriff of Midlothian passed sentence of death on four men for theft and housebreaking, which sentence was carried into execution.

To a long list of duties which Sir Thomas Murray of Glendook gives in detail (of many of which the foregoing is a summary), he adds, "The sheriff is judge to the brieve of inquest quhaire ane desires to be served narrast and lawful aire to his predecessor," a very important duty in feudal times;[3] and also "judge competent to the removing of tenants from lands, conforme to the warning made against them to that effect." He had to be prepared to take his place alike in the hunting-field and on the field of battle: "The scheriff should hunt and slay

[1] Rabbit-warrens.

[2] Clark's *Office of Sheriff*.

[3] Murray of Glendook, *Collection of Statutes and Notes*, fol., 1681.

the wolfe and her quhelps three times in the year;"[1] and, moreover, "should see and provide that ilk man be armed according to his estate and rent, and shall cause weaponshawings to be made yearly after the Octaves of Pasche, and at the least four times in the year."[2]

So much for the powers of the old sheriffs-principal. As to to their conduct, Skene well observes: "Scheriffs should be in all and sundry parts of the realm for the *acquieting* of the people by justice." "They should hold courts in lawful time, and continue the same according to law, so that actions and processes begun before them shall no ways be delayed through their negligence, fraud, or malice."

"All scheriffs should hold three head-courts in the year be themselves in proper person; all barronnes, knights, freeholders, and stewards of bishops and earls should be present at the scheriffs' courts, and the absent should be amerciat. And all they that come shall remain till the same be ended, and shall pass upon inquests and assizes and assist the scheriff."

The sheriffs had the nomination of their deputes, for whom they were answerable, of whom it was expected that they "should know and understand the laws of the realm and Acts of Parliament, and not only be qualified by judgment to minister justice, but have *sufficient lands, goods, or gear of their own* as security, *wherein they may be punished* if found culpable in execution of their office." Their inferior officers were termed clerks and serjeants.

"Sheriff-clerks should be honest, famous men, quha be themselves and their sufficient deputes shall be always-resident within the head borough of the shire." "The sheriff's serjeant should have a horn and a 'reide-wand' of three-quarters of a yard long at the least; with the sound or blast of the horn he denounces disobedient rebels, pursues malefactors, and raises the inhabitants of the country to concur and assist in taking and apprehending them; with the *wand* he relaxes them quha

[1] Murray of Glendook, *Collection of Statutes and Notes*, fol., 1681.

[2] Act. Jac. I., p. ii. c. 41.

returns to the king's obedience fra the horne, and receives them to the king's peace."

The sheriffship was an office of very considerable emolument, as by himself or his deputes the sheriff was concerned in transactions of every sort, criminal and civil, and received fees on each. Among the older clearly defined payments which were due to him, we find "the sheriff should have for his fee of all escheats, *ten pounds*, which fee should be paid to him out of the escheats of his own court." "Alwayes hee should have the *best ox or cow or unridden horse* which are stalled or brought to be sold."

The sheriff-clerk receives for his fee of each amerciament *twa shillings*. "The sheriff's serjeant should have for his fee of each unlaw of court ane colpindach, or thirty pennies."

These fees were of far greater value to the recipients than any computation as to the difference of value of specie now and in the fifteenth century would indicate. In a remote province money hardly passed between landlord and tenant at all, payments in kind, whether denominated "kain," "presents," or baily-work and military service, were what the barons expected from those holding under them. Hence fees due to a sheriff in hard cash, and of which he had means in his own power to enforce the payment, placed sums of ready money at his disposal such as could rarely be derived from estates of any extensive acreage.

In 1452 the king marched an army into Galloway, where he was joined by the Sheriff and a goodly muster of the landholders; all of whom, whether native, Norman, or Saxon—M'Dowalls, M'Clellans, M'Kies, Ahannays, Gordons, Adairs, Stewarts, Vauxes, and Dunbars—were now fully agreed in preferring allegiance to their king to the yoke of the Douglases.

Finding all hands against him, James, ninth and last Earl of Douglas, surrendered at discretion, and signed a deed of solemn submission, dated 28th August 1452.

James II. having humbled the proud earl, wisely determined to secure his friendship; the first instalment of his goodwill took

the very ungraceful shape of a royal command to the fair maid of Galloway, the eighth earl's widow, to marry the ninth earl, although at once her cousin and her brother-in-law; and this poor Margaret was compelled to do, though sorely against her will.

But in spite of this special favour and of all his promises, in 1454 Douglas was again in rebellion. The Wigtownshire baronage gave him no assistance; yet so powerful was his influence that he assembled an army of forty thousand men.

The king collected his forces, but Douglas was able to meet him with superior numbers, and came in sight of the royal army at the Carron. Here, had he instantly dashed to the attack, he might have won the day, but through indecision he postponed the action, and the king, profiting by the delay, managed to win over half his adherents by a promise of amnesty. Next morning, finding himself thus deserted, instead of fighting, Douglas fled; he lurked in Annandale during the winter, happily leaving Wigtownshire entirely unmolested.

The validity of the Sheriff's jurisdiction was never again disputed; Andrew Agnew, the first hereditary sheriff under the new regime, having re-established his family in their position in the county, died at Lochnaw early in the year 1455.

CHAPTER X.

THE SECOND HEREDITARY SHERIFF.

Right seldom am I gi'en to bannin,
But by my saul she was a cannon
Could hit a man had he been stannin
In shire of Fife,
Sax lang Scots miles ayont Clackmannan,
An' tak his life.

IMMEDIATELY after his father's death, Andrew Agnew, now second Sheriff, was formally served heir to the offices and properties to which he had succeeded. Accompanied by the representative of the senior branch of the Kennedys,—the three chiefs of the house of M'Dowall,—George Douglas, a relative of the Duchess of Tourenne, besides many others, he proceeded to Glenluce, where Douglas, apparently as representative of his kinsman, the earl under whom the lands were held, issued a precept for his infeftment.

The precept, which is a very curious one, we insert literally:—

"George of Douglas of Leswalt till his luffit Cusing Fergus M'Gachin, Gretyng, & for als mekyll as it is funing be an Inquest of ye best & ye worthiest of ye, rands[1] before me in my Curt of Witsunday of my lands of Leswalte haldyn at Cors M'Gachin in Glenluse, y^t^ Androw Agnew was nerrest & lachful ayr to quylum Androw Agnew, his fayr, Schyrraff of Wigtoun, & of lachful eld, as al ye laiffe of ye pnts of ye bryff, beand ful & haile of ye lands of Salcare, Lochnaw, & Garkerue, w^t^ ye offices of Balzare of my Barony of Leswalte: My wil is, & I charge zhou to gyff heritable state & sesing to ye

[1] Held.

said Androw or his attrna berer of yr lris.[1] of ye said lands of Salcare, Lochnaw, & Garkerue, wt yr pertinants yir lett'is sey for owty delay.—In witnes herof, becauss I had na Seile to put of my awyn, I haff procurit at instance ye Seile of ane Honorable & a wyrschipful man Gylbert Kennedy—Dirowyr in my said Curt of Witsunday ye xvi. day of ye moneth of May, ye zer of our Lord M. four hund fychte and v. zers—to be huning to yr letteris—befor yr witness, Thomas M'Dowell, Gebon M'Dowell, Gebon Kennedy, Alexr. son Gebon, rollandson, Androw Neilson, Fylaw M'Culach, Fergs M'Gachin, Alexndr Gordon, Patk M'Dowell of Logan, and Willm of Wyna notar, & oyr more."

The worshipful man who lent his seal on this occasion was Gilbert, created Lord Kennedy, a nephew of the Duchess of Tourenne, and brother to James, Bishop of St. Andrews, who was one of the witnesses to a former charter quoted.

Neilson was the laird of Craigcaffie.

The name of M'Gachin appears in the Ragman Roll, and as Douglas addresses him as cousin, he was evidently of an honourable family, but the name is now unknown amongst the Galloway baronage.

Thomas M'Dowall was the Laird of Garthland, the Sheriff's father-in-law; and Gilbert M'Dowall was the Laird of Freuch.

Alexander Gordon was a son of William and brother of Sir John Gordon of Lochinvar, and the immediate progenitor of Gordon of Airds, afterwards of Earlstone.

Finlay M'Culloch was probably of Torhouse, a cadet of Myrtoun, but we have been unable to trace the successions of this very ancient family satisfactorily.

Glenluce, where this distinguished party met to serve the young Sheriff heir to his father's estates, was then as celebrated for wizards and witches as for its fine old abbey.

Here Michael Scott once lived, and it was then fully believed, that the "pest" which raged once long before in the neighbourhood had been seized by Michael and locked up in a vault. This vault was supposed to contain various treasures,

[1] Letters.

but no one dared to open it lest the "pest" should rush out and depopulate the country.[1]

Within a few months of the Sheriff's succession a memorable event occurred—namely, the formal re-annexation of the lordship of Galloway to the crown, consequent upon the final fall of the house of Douglas.

Ever since the assassination of Earl William the power of the family had been on the wane, and on the 4th of August 1455, Parliament, taking courage, consummated the freedom of the Galloway barons (or rather registered it), by passing an Act by which the king and his successors were for ever invested with—

"The hail lordshippe of Galloway, with sik freedoms and commodities as it hes thir daies, together with the Castle of Triefe."

Earl Douglas had fled, and the king laid siege to Threave, which still held out under the auspices of the countess.

The whole country rose to assist the king; the Sheriff and his neighbours mustered strongly round the royal standard. The burgesses of Kirkcudbright raised a subscription amongst themselves, and bought metal with which, to their order, a blacksmith of their town, named M'Kerin, manufactured the famous monster gun, Mons Meg. Meg's first charge consisted of a peck of powder and a stone ball "of the weight of a Carsphairn cow;" and her first discharge went right through Threave Castle, on which the besieged instantly surrendered. The only source of regret on this happy occasion was that the cannon-ball, in passing through the castle, carried off an arm from the Fair Maid of Galloway as she sat in the dining-hall.[2]

The Sheriff and his neighbours now rode merrily home; and

[1] "*Vouts*—vaults; burial-places of the rich, where those above the vulgar born do rot in state. One of these, at the auld Abbey of Glenluce, contains the famous library of Michael Scott the warlock. Here are thousands of old witch songs and incantations, books of the black art and necromancy, Philosophy of the Devil, Satan's Almanacks, the Five Spangs of Faustus, the Soothsayers' Creed, the Witch Chronicle, and the Black Cluds wyme laid open, with many more valuable volumes."—M'Taggart's *Scottish Gallovidian Encyclopædia.*

[2] "About fifty years ago Threave Castle was partially repaired with a view to making it answer for a barrack for French prisoners. On clearing out the rub-

at this epoch, when all England was distracted with the Wars of the Roses, Galloway for the first time for a century reposed in comparative quiet.

The unfortunate countess now threw herself on the royal protection, declaring she had no wish to follow her husband into exile, as she had been forced into the connection against her inclination and her own sense of right; whereupon the king, who seems to have considered the functions of a divorce court inherent in his person, declared her marriage void, and bestowed her upon his half-brother, the Earl of Athol, who gladly accepted her notwithstanding the loss of her arm; by him she had two daughters, there being no issue by either of her previous marriages.

All the principal landowners of Wigtownshire, whose estates during the last seventy years had been held under the Douglases, now held "in capite" of the crown, and were thus restored to their proper position as free barons; whilst regality superiorities, such as the barony of Leswalt, reverted to the crown.

The privileges of free barony being very considerable, a knowledge of them is essential to understanding the history of the period:—"In Scotland," says Selden, "he is called ane baronne quha halds his lands immeadiately of the king, and has power of pit and gallows. . . . So that all such tenants of the king have the general name of barons, as our lords of the manor have also . . . and it seems they all were wont to come to the Parliament of Scotland."[1]

Within his own barony, a baron had the right of holding courts, with powers almost equal to the sheriff. To quote a Scotch authority: "Barons, quha are infeft hes jurisdictions of crimes and criminal causes, and hes power to hald their Courts with sqck, sack, pitt and gallows, toill and thame, infangthief and outfangthief. They have power to sit and decide upon

bish, the workmen discovered a massive gold ring with 'Margareta de Douglas' engraved upon it. It is supposed to have been upon the lady's hand when blown off, and was preserved by Sir Alex. Gordon."—Mackenzie, *Hist. Gal.*

[1] Selden's *Titles of Honour*.

tuilzies, straiks, wounds, and blude, and gif they failzie to doe justice thereanent in their Courts, the same pertains to the sheriff. Gif a man be slain in ane baronie, the baron or his officers shall arrest him, and shall doe the law as is before said. Theft committed in the lands pertaining to freeholders holding of the baron, may be punished by the baron. . . . Nevertheless, gif the thief is not found with the fang upon him, it pertains not to the baron to cognosce, it must be brought before the sheriff."[1]

The familiar Scotch term laird is merely a corruption of lord, and originally was synonymous with baron—meaning a crown vassal—a lord of the manor; a baron's wife was styled *lady*, and always took the name of the barony, as, "the Lady Garthland." A feuar or vassal holding of a baron, however extensive his lands were, was termed "a guidman," and his better half "a guidwyfe." But gradually, as the number of small lairds increased, the "guidmen" also adopted the style of "laird," till at last it became as vague a term as the modern English "esquire;" and as little lairds were often pretentious, their English neighbours were very satirical at their expense, and before the end of the sixteenth century a proverbial couplet had already been printed—

"A knight of Cales! a gentleman of Wales! and a laird of the north countree!
A yeoman of Kent, with his yearly rent, will buy them out all three."

All barons had the right of sitting in Parliament, or rather it was their duty to do so, and non-attendance was punishable by a fine. This attendance was at first considered a hardship, and one of the Acts of 1427 was introduced to mitigate it; and further, in 1587, the barons of each county were allowed to choose two of their order to represent them, the others being thereupon altogether excused. It was not, however, till 1630 or 1640 that any anxiety was shown by the lairds to be members of Parliament.

[1] *Regiam Magistratem*—Sir John Skene.

"Both these families (Agnew of Lochnaw and Vans Agnew) have from their earliest establishment been in the rank of the first order of barons, holding their estates in capite by royal charters conferring upon their possessors all the rights and important privileges of free baronies, according to the most extensive sense of the word as used in Scottish law."—Playfair, *British Family Antiquity*.

Representatives of the barons and gentry were always termed "barons," and generally were so in themselves, though it does not appear to have been essential that a "free baron," in its highest sense, was the only eligible person for election. Sons of barons were frequently chosen. In parliamentary diction, "Baron" was equivalent to the modern "County Member," or "Knight of the Shire;" for example, in the rolls of the famous Convention-Parliament of 1689, the names of William M'Dowall of Garthland, and Sir Andrew Agnew of Lochnaw, may both be found signed by themselves as "Barons" representing the county of Wigtown; facsimiles of which are given in the publications of the Record Commission.

Barons might give charters; and were required to have their own seals. An early Act ordained "that all barons and utheris halding of the king in chief shall have a proper seal of arms, and the seal should be of a great and sufficient quantity, and not little signets or stamps."[1]

Previous to the reign of James VI., the old barons invariably maintained their right of precedence to knights of the king's creation, as such; and when knighthood became more common, and it was the interest of the crown through fiscal motives to maintain the dignity, disputes on this subject were frequent. In the reign of Charles I. the older barons attempted to assert their usual county precedence over baronets also, until the position of the latter was defined by Act of Parliament.

How far the usurpation of the Douglases had interfered practically with baronial rights we do not pretend to determine. It is certain that the barons of Galloway, although "sair opprest," were in the habit of holding their courts, and even of inflicting capital punishment—*the grand test* of baronial rank. When the Black Douglas wished to address the Laird of Terregles in terms of the bitterest irony and contempt, it was the rare exhibition of a "dangling villain" near their keeps with which he taunted Galloway lairds. And the story, whether strictly true or not, bears traditional evidence as to the ways of these lairds.

[1] Rob. III., c. i.

If the Sheriff of Wigtownshire had deemed it his duty literally to enforce the Acts of Parliament, the dool trees round the Castle of Lochnaw must have been as crowded with victims as the vermin poles of an active gamekeeper. The Draconian code of the age was fortunately, however, usually treated as a dead letter.

A very severe act appeared in October 1455. "*Sornares should be punished to the death.*" Sorning was the crime of extorting food and lodging by threats or violence, and was a crime much complained of at that time. The Act ordains that, "Wherever these sornares are taken in time to come they are to be delivered to the *king's sheriffs*, who forthwith shall *do law* upon them, as upon a thief and a riever" (this simply means to hang them on the spot). Strange as it may sound, two men were judicially murdered under this act as late as the middle of the eighteenth century! Two brothers named M'Farlane were brought before the Sheriff of Forfar as "habit and repute" notorious thieves. Nothing whatever could be proved against them, and they were fully entitled to acquittal; but not so thought the Sheriff of Forfar; hence the cruel expedient was fallen upon of trying them under the "Act against Sornares of 1455." They were condemned as *sorners* on no distinct act, but merely on suspicion, and left for execution; from prison they managed to escape, and made for their native hills, but were pursued, and the poor fellows were at last caught in a glen making crowdie in their bonnets, brought back to jail, and pitilessly executed.[1]

An Act was also passed "That no office be given in fee *and heritage in time to come.*" But this was disregarded by the kings who succeeded, as were all Acts which were inconvenient. One of the most important duties of the sheriff was the holding of Weaponschawings. In 1457 very stringent instructions were sent to the sheriffs concerning these grand gatherings; with orders to cultivate a taste for archery, and enforce its practice.

[1] Jameson the antiquary relates the story, and says he had conversed with persons who had seen them hanged.

In aid of this an Act was simultaneously passed, the sum total of which was, "*That the foot-ball and golf be utterly cried down.*" The sheriffs, as well as all barons and lords, spiritual and temporal, were to put a stop to all such pastimes, and to punish those who persevered in such frivolities. Instead of such child's play, *butts* were ordered to be set up in every parish, and the practice of archery was to be insisted on by force, if necessary; and as an inducement to the lieges to come forward with good will, it was further ordained "that twa pennies be given to them that comes to the bow-marks to drink."

The estates proceeded to pass sumptuary laws with regard to gowns and veils; enacting that sheriffs should see that "na women wear mertricks nor letteis, *nor tails unfit* in length, nor furred under, bot on the Halieday. And that na woman come to kirk nor market with her face *mussaled* that she may not be kend." It is the eternal protest against crinoline!—the Galloway lass going bare-foot to her work in dirty finery is thus ridiculed by the early poet:—

"Ane mureland Meg, that milkis the yowis,
Claggit with clay abone the howis;
In barn, nor byir, scho will nocht byde,
Without hir kirtill taill be syde."[1]

Thus sung Lyndsay[2] in "contemptioun of syde taillis"—adding this counsel to his sovereign:—

"Bot wald your grace my counsall tak,
Ane proclamation ye suld mak,
Both threw the land and borrowstounis,
To schaw thair face, and cut thair gownis."

His satires, written about 1538, prove the utter failure of the Act of 1457:—

"In burrowis wantoun burges wyvis,
Quha may have sydest tailis stryvis;
. . . . . .
Quhare ever thay go it may be sene
How kirk and calsay they soup clene."[3]

[1] Syde signifies long. [2] Sir David Lyndsay of the Mount.
[3] "In contemptioun of syde taillis."

High and low alike offended:—

"Ye wantoun ladyis, and burgis wyvis,
That now for sydest taillis styvis;
Flappand the filth amang your feit,
Raising the dust into the streit."[1]

This Parliament did all that men could do, but the ladies would not submit to have their "waist clothing" interfered with by the Sheriff;—despite senators and satirists, they carried when it so pleased them

"Sic fartingaills on flaggs[2] as fat as whals,
Facit like fules with hats that little avails;"[3]

and still, alas! as in the days of good Dunbar,

"The dust upskaillis mony a fillok."[3]

An Act prescribing that the sheriff shall "*but*" have the best ox and unridden horse that comes to every fair, confirms a privilege which must have been open to the greatest possible abuse, and afforded a means for constant extortion. How such a duty was to be levied with any degree of fairness, it is impossible to conceive. Another Act suggests the dictation of teetotal delegates, "*that na man cum to courtes but in sober wise;*" upon reading further however it appears that it was not hot toddy but cold steel that was dreaded. "The sheriff is to allow no man to come to his courts with more than his usual retinue, and when they puts up their horses at the inn, they are to lay aside their arms and armour, and use na weapons for that time bot his knife." It is to be presumed, though it is not so expressed, that the knife was to be used solely for attack upon his bread and cheese, and not upon his neighbour!

Many of these old laws suggest a train of interesting reflections. As, for instance,[4] "The sheriff shall gather the country folk three times in the year between St. Mark's day and Lammas, *for that is the time of the Quhelpes*, to hunt the woolfes, and any who refuse to accompany the sheriff, the baillie, or the baron, shall pay unforgiven a wether; and gif any woolfe happens to come in the country that *wit be gotten of* the country shall be

[1] The Monarchie.—*Lyndsay.* [2] Flanks. [3] Dunbar. [4] Act of 1457.

ready, and ilk householder to hunt them, and whosoever he be that slays the woolfe, and brings the head to the sheriff, shall have six pennies."[1]

Another duty of the sheriff was to restore the forests, and to ascertain that all freeholders, both spiritual and temporal, in making their Whitsunday leases, should make it obligatory upon their tenants to plant woods and trees, and make hedges, and sow broom. As to the latter, it is not well known what the exact uses of the broom were; it cannot be supposed that it was intended simply to adorn the country, and although whins (or gorse) are much used in Brittany for forage (and may have been in Scotland), broom is nowhere, that I am aware of, applied to such purposes.

In the year 1460, James II. was unfortunately killed by the bursting of a cannon at the siege of Roxburgh Castle, and was succeeded by his son James III., then only seven years of age. No particular commotions occurred in Wigtownshire, but a very disturbed state of society prevailed over the whole of Scotland. Turning over the well-worn leaves of the book of the Acts of Parliament of the Jameses (found among the family treasures of Lochnaw), we are impressed with gloomy ideas as to the lawlessness of the times, from the general tenor of legislation. As an example, 20th November 1469 — "Because of the eschewing of great slaughter which has been right common among the king's lieges now of late, and because many persons commit slaughter upon forethought felony, and pass and remain in the sanctuaries . . . wherever slaughter is committed on forethought felony, and the committer '*puttes him in Gerth*,'[2] the sheriff shall come to the ordinary in places where he is, and let them wit that such a man has committed such a crime, for the which the law grants not such persons to enjoy the immunity of the kirk; and the sheriff shall put in execution the act of James I., which bears in effect that what time any

[1] In 1457, the town of Wigtown, by a charter from James II., obtained the right to levy a toll upon all cattle, sheep, and wool, passing over or across the River Cree.

[2] Places himself in a sanctuary.

sheriff shall be certified of any slaughter, he shall incontinent raise the king's horn and his lieges within the bounds of his office, and pass and seek the person, and do justice on him after the form of the laws of the realm. And if he escapes out of the sheriffdom, he shall send an officer to the sheriff in whose sheriffdom he is, charging him in the king's name to raise the king's lieges *and his horn likewise*, to pursue that trespasser till he is overtaken or put out of the shire; and if so, likewise send his officer to the next sheriff (again) in which shire the said trespasser enters, to pursue him till he be overtaken or else put out of the realm. And moreover every sheriff of the shire where the fugitive is sought and not taken, shall pass to the head borough of the said shire, and proclaim that such a man has committed such a slaughter, and charge all the king's lieges that 'na man take on hande to house, herber, receipt nor helpe the said trespassers be ony manner of way under the paine of tinsel of life and goods.'"

In 1466, the Reverend Father in Christ, Ninian,[1] Bishop of Galloway, laid a complaint before the Lords Auditors that Finlay M'Culloch of Torhouse, accompanied by his sons Norman and George, had "wranguisly spulziet" himself, the said Reverend Father, of the "corn, cattle, and goods that they took out of his lands, of the escheat of Nevin M'Henry;" (that is to say, they had seized upon M'Henry's goods to satisfy a claim of their own, the bishop claiming a prior right to the amount due by M'Henry to him as rent). The Lord Auditors referred it to Andrew Agnew of Lochnaw, Sheriff of Galloway, to say how much value was taken; and gave a provisional decreet that the M'Cullochs should restore as much as the Reverend Father could prove before the Sheriff that they had taken from him.

As the Sheriff was a member of the royal household, it is probable that he visited the unfortunate Edward VI. of England, and his energetic queen, when they took refuge at Kirkcudbright, under very different circumstances from the appearance there of the first English Edward.

[1] His patronymic was Spot.

The Lancasterians having been totally routed at Towton in Yorkshire on Palm Sunday in the year 1461; Henry and Queen Margaret, with their suite, crossed the Solway, and landed at Kirkcudbright. The king stayed there some time, the queen making a journey alone on a visit to the queen-dowager at Edinburgh.

A letter of Sir Robert Whitynghame, preserved by the "Paston Family," fixes the date.

"The King Herry is at *Kirkhowbre* with four men and a childe. Quene Margaret is at Edinburgh and hir son.

"These are the names of those men that ar in Scotland with the Quene:—

"The Lord Roos and his son,
"Sir John Fortescue,
"Sir Thomas Fyndern,
"Sir Edmond Hampden,
"Sir Henry Roos,
"Sir John Welpdalle,
"Mr. Rog. clerk of London,"
(And sixteen others all named.)
"30th August 1461."[1]

Unsatisfied with "the best ox and unridden horse" at fairs, it seems that the sheriffs expected fees on every sort of merchandise, and that other inferior officials oppressed the poor traders. Hence in 1469 an Act of Parliament set forth that—

"Whereas in fairs, parliament times, and general councils, the great constables of castles, sheriffs, and baillies, take great extortions of the king's poor lieges which they call fees, such as of every load of flesh, fish, victuals, meal, malt, or fowls, borne on men's backs; it seemeth expedient that all such things be foreborne in time to come."

In 1469, the Sheriff's eldest son entered the married state, though not yet of lawful age; on which occasion his father

[1] Original Letters of the Paston Family, 5 vols. 4to, 1787. A very curious book.

resigned the lands of Craichmore into the hands of the crown, whereupon they were regranted to his eldest son "Quentin Agnew and Mariotta Vaux," his spouse, by a charter under the great seal, dated 28th January 1469-70.

The bride's father was Robert Vaux, nephew of a former Bishop of Galloway—who in 1451 obtained a charter of Barnbarroch—and her mother was Lady Euphemia Graham of the house of Menteith, who had remarried with Sir William Stewart of Garlies (as his second or third wife).

Her brothers were Blaize Vaux, then laird of Barnbarroch; Thomas Vaux, Dean of Glasgow, who had been sent ambassador to England in 1457; and George Vaux, who was afterwards himself Bishop of Galloway.

One of her eldest sisters was married to the Sheriff's brother-in-law, Uchtred M'Dowall of Garthland; another to William Adair of Kilhilt; and a third to Campbell of Corswall. Of her grand-uncle, who had many years previously resigned his bishoprick in favour of Thomas Spence, Boethius observes, in allusion to these marriages, that "*he took care to have his nieces married to the prime gentlemen of Galloway.*"

The Sheriff appointed two men of position to be his deputes; the one, his cousin, Andrew M'Dowall of Elrig; the other John de Muirhead, styled of Lauchop, in Lanarkshire. This sheriff-depute, who was appointed about 1480, is the only generation of that house which resided in Wigtownshire; he was of good family—his uncle was bishop of Glasgow in 1454; and his brother a dean in the same diocese. This John de Morehead or Muirhead was tacksman and "kindly rentaller" of many of the crown lands in Galloway, which he possessed till his death. He married Margaret, daughter of Patrick Lord Hepburn of Hailes, and had issue; his family retained the property of Bulleis in the Stewartry; he himself lived till 1513, when he was slain at Flodden.

In 1474 Margaret of Denmark, Queen of Scotland, made a journey in royal state to Whithorn. Her Majesty, desirous her ladies-in-waiting should be attired with a suitable magnificence,

provided them herself with dresses for the occasion. In the treasurer's account of 1474 is this entry:—

"20*th August*.—To Andro Balfour for livery gowns to six ladies of the Queen's Chamber, at her passin to Quhytehorn, £10 : 10s." We doubt not that the dames of Wigtownshire donned also their gayest attire; and that, accompanying their lords, who rode gallantly forth—

> "The pleasant ladyis cam pransing ower the bentis
> In costlie clothing, to their hiche contentis,
> Quhat heart micht wis they wantit nocht ane mite,
> The rubeis schone upon thair fingaris quhite."

Parliament, in order to encourage commerce, now took the royal road to furnishing the nation with mercantile marine, by enacting that there should be one; without appropriating any funds, however, for the purpose. Having already commanded forests and parks with deer to spring into existence, so now they decreed that lords spiritual and burrowes "*gar make them schippes;*" and taking a parental charge of such shipping as was already in existence, they charged sheriffs and bailies to take care that "na schippe should sail fra the feast of Simon's day and Jude, unto the feast of the Purification of our Lady," under a penalty of five pounds. This was at the time thought a most reasonable statute. Lindsay the poet satirises the insatiable greed of merchantmen who, "nocht content with sufficiance"—

> "Sailis into the stormy blastis
> In winter to get greater castis,
> In mony terribill torment
> *Against the Acts of Parliament.*"
> *Satyre of the Three Estates.*

It was further set forth by statute that, owing to the ignorance and drunkenness of smiths, horses were spoiled by being shoed to the quick; "therefore, whenever a smith hereafter shoes a horse to the quick, that smith shall pay the cost of the horse till he be whole, and in the meantime find the owner a horse to ride and to do his labour. And if the said horse prove incur-

able, the smith shall keep him himself, paying the full value to the owner."

In 1479 the Sheriff was himself summoned to appear before the Lords of the Council, at the suit of Ninian, Bishop of Galloway, for his "wrongous occupation, labouring, and manuring the lands of Sheuchan." The case was called on the 25th of October, but the Sheriff failed to appear or vouchsafe any answer to the charge. The Lords postponed the matter to the 17th of January following, in these words—"The Lords of Council assign the said Andrew Agnew of Lochnaw the said day, with continuation of days, to produce and show such evidents and rights as he will use and show anent his rights which he claims to the said lands."

These "evidents," on further consideration, the bishop does not seem to have thought fit to dispute; the case was withdrawn, and the Sheriff continued his agricultural operations with no further clerical interference.

Quentin Agnew, the Sheriff's eldest son, though married, was far from a sedate young man, and appears frequently in the defaulter's book. In 1483 he made a grand raid across the borders of Ayrshire, and swept the lands of one Ranald M'Neil, whose pastures yielded him a rich booty. Unable to wrest his plunder from him, M'Neil rode to the capital, and laid his complaint before the Lord Auditors, who, upon a full inquiry into the case, delivered judgment that "Quintene Agnew should restore and deliver again to Ranald M'Neil—

"33 Great kye	Price of the piece,	24s. 0d.
8 Oxin	„	30s. 0d.
1 Bull	„	30s. 0d.
7 Two-year-old kye	„	13s. 4d.
3 Fed veals	„	13s. 4d.

which goods the said Quentene spoiled and took from the said Ranald out of the lands of Areshene."

As no fine was inflicted, it seems probable that M'Neil had previously ravaged the lands of Innermessan, and that this was a

return visit. The prices as fixed in Court, on this and other occasions, are well worthy of attention.

About this time, Quentin Agnew, brother-in-law to George Vaux, was advanced to the See of Galloway;[1] and in 1483, "a Reverend Father in God, George, Bishop of Galloway, appeared before the Lord Auditors, as tutor for his nephew, Patrick Vaux of Barnbarroch, to complain that Sir William Stewart of Garleis, and Euphemia, his spouse, refused to give up the lands of Barnbarroch to the said Patrick."

This Lady Euphemia was Quentin Agnew's mother-in-law, Patrick Vaux's mother; and having a charge on the lands of Barnbarroch for her dower, she and her second husband possessed them during her son's minority, and now declined to give them over when required to do so by his tutor.

They were charged with "withholding the males, fermez, profits, gressums, with other duties," for the six previous years; but did not defend the action.

Sir William Stewart being "oft times called, and not compearing, the Lord Auditors decreed they do wrong in the occupation of the lands, and shall restore the same," and "pay back the rents and duties, in so far as Patrick Vaux can prove before the Sheriff, that they have taken up the same since his proper entry." They also desired letters to be addressed to "Andrew Agnew, Sheriff of Wigtown, charging him to take the said prufe before him, and warn all the parties to be present."[2]

Letters under the Privy Seal were addressed to the sheriffs in the same year, desiring them to warn the king's lieges to be equipped for war, and ready at eight days' notice to repair to the royal standard. The king engaged to furnish the levy with victual and expenses for twenty days, after their coming to the place and terms assigned them. Further, if not required to proceed with the levy on the king's service, the Sheriff was directed to muster all the men capable of bearing arms, and to

[1] Keith, in his *Scots Bishops*, dates George Vaux's *accession* to the See of Galloway in 1489. But the above case before the Lord Auditors conclusively proves that the date is erroneous.

[2] Act. Aud.

give the king notice of the day fixed on, for the purpose that the king might send a special servant of his own, to see that "the lieges be weill bodin."[1] He was moreover ordered to put in roll and bill, how many spears, bows, axes, and fencible persons he should find within his shire; and, if called out, he was to bring with him a nominal roll of the men who join the king's host, and of their arms; his own seal to be attached to this parade-state, as well as that of four neighbouring barons.[2]

During the following winter, the Sheriff had another dispute as to the occupation of land.

John of Montgomery raised an action against Andrew Agnew of Lochnaw, Nevin his son, Gilbert Neilson, Gelcallon (?), Patrick, and Thomas Adair, Sir Thomas M'Ilvaine, and others, for the wrangous occupation and manuring of the lands of Drumore and Kildonan, in the parish of Kirkmaiden. Sir (which here means the Reverend) Thomas was further charged with withholding rents due.

John of Montgomery being personally present, "his reasons and allegations at length heard and understood," and the defendants not compearing, "The Lords of the Council decree that the said persons do wrong in the occupation and labouring of the said lands, and therefore ordain them to be devoid, and red the same."

The said Sir Thomas to pay twenty-five shillings; Gelcallon (probably a clerical error for William) Adair, twelve shillings and sixpence; and Patrick Adair the same.

The Sheriff's name does not appear in the judgment; but before this was pronounced (the 22d October 1484), he was no longer subject to any earthly tribunal, having died some months previously at Lochnaw, aged about fifty-eight years.

[1] Well provided. [2] Acts.

CHAPTER XI.

THE THIRD HEREDITARY SHERIFF.

In suith he was a Barronne bauld,
For tuilzies tough in days o' auld.

QUENTIN AGNEW was served heir to his father on the 5th of February 1484; at which date he was infeft in his sheriffship, the lands of Lochnaw, and other offices and lands which he held of the crown, by virtue of a mandate under the great seal, addressed to "an honourable man, Andrew M'Dowall of Elrig," the sheriff-depute, to Robert Ahannay of Sorby, and to William Agnew of Croach, the Sheriff's brother.

And on the 12th of March following, on a precept by George (Vaux), Bishop of Galloway; Uchtred M'Dowall of Garthland gave him sasine of the lands of Carnayan, Meikle and Little Tung, and others, which he held of the Church. In this precept, the Laird of Garthland is styled "Our Baillie." Among the witnesses present were Uchtred M'Dowall of Garthland; Andrew M'Dowall of Myroch (Myreth?); Uchtred M'Dowall of Dalreagle; Uchtred M'Dowall of Mindork; Roland M'Dowall; Thomas M'Dowall; John M'Kie of Myrtoun; Ninian Vaus, Nevin Agnew, and Sir Henry M'Dowall (a churchman).

A little before the Sheriff's succession, the first of the Wigtownshire Maxwells crossed the Cree. Sir Edward Maxwell of Tinwald, second son of Lord Maxwell, acquired the lands of Monreith (Mureith or Murrief), by a grant from his father (who obtained them from Thomas Cunninghame, son of Alexander Cunninghame of the Aikhead), dated 18th January 1481-82. The origin of the name is local, from Maccus-well lands upon the Tweed, acquired by the founder of the family.

At this time the Adairs had risen to considerable influence,

possessing at least three seats, all strong houses—viz., Dunskey, Kilhilt, and Drumore.

Kilhilt, from which they took their designation, may have been originally Kilhille, or "the chapel on the hill," and was, according to tradition, a monastic establishment, over which a Bishop Adair (not in Keith's *Scotch Bishops*) presided. A Galloway legend relates, that the said Bishop Adair being a learned man, made the addition of a library to the convent. Whilst the apartment was building, he caused a large stone to be brought from the neighbouring bay of Portespittal, for the lintel of the door. This stone was firmly built into the wall, but next morning, strange to say, it had totally disappeared. Instead of uselessly wondering what had become of it, the Reverend Father sent off to Portespittal to get another. To the surprise of the workmen, however, there they found the original stone lying on the shore. Again they brought it back, and replaced it over the doorway; but again, next morning, the lintel was missing. Knowing now where to look for it, a third time they fetched it from the beach. The bishop, determined to stop these erratic tendencies, ordered a Bible and a sword to be engraved upon its surface; which was done accordingly, and the charm was broken.

The sceptical are earnestly advised to visit the farm-steading of Colfin, where the identical stone, spoiled from the ruins of the old castle, may now be seen doing duty in a barn wall.

This good Bishop Adair had three maiden sisters, each of whom munificently founded a chapel in the sheriffdom.

The first was at Drumore, on the site of the present parish church of Kirkmaiden, to which parish it gave the name.

The second was dedicated to St. John, and was situated in the centre of the present and more modern burgh of Stranraer.

The third was the *Kirkmaiden* in the Machers, now included in Glasserton parish, but which for long was a distinct parish, and its old churchyard was the burial-ground both of the M'Cullochs of Myrton, and of the Maxwells of Monreith. Soon after the Reformation, this church, built by the worthy maiden of Kilhilt, was disused, and the pulpit and bell were, by per-

mission, taken down and embarked to be sent across the Bay of Luce to the sister maiden's kirk, there to be used in Protestant church services. But the bell had been consecrated, and as the boat proceeded on a calm morning towards Drumore, its patron saint (the old wives say the devil) raised a storm, and sent vessel, book, bell, and pulpit to the bottom of the sea! And thence, from the watery depths, this grand old bell peals forth a funeral knell as the last breath is passing from the lips of any representative of the ancient family of Myrton. So say the lieges of Portwilliam.

This lonely chapel of Kirkmaiden on the shore, is said to have been the scene of many ghost stories of the most startling character. On one occasion a person staying at the mansion-house of Moure rashly made a bet that he would ride to the Maiden-kirk at night and bring away a Bible. He set out, but never returned. It was afterwards found that he had reached the church, and even taken the book; but, on a bleak spot on the way by which he was returning, his dead body was discovered next day, his horse lying cold beside him; he had neither been stripped nor plundered, but the entrails of both man and beast were found carefully drawn out, and twisted round and round some old thorn bushes that grew near.

Drumore, the site of the opposite Kirkmaiden, is so called from Drum, a hill, on the top of which hill was a mound artificially rounded, and which, till lately, was undesecrated by the plough. On this the Adairs held their baron courts, and as here capital sentences were sometimes carried out, it still is known as the "gallows hill." It is said that the lands of Drumore were first acquired by the Adairs by force, and that the rightful owner, refusing to yield peaceably, was adjudged guilty of insubordination by the more powerful laird of Kilhilt, and was hanged upon his own court-hill.

This year John Murehead, depute to the late Sheriff, as well as some of the Mures, were summoned before the Lords of the Council for taking forcible possession of the glebe of Wigtown during the preceding autumn. Along with others, among the acts of Council, is an entry, 21st October 1484:—

"Sir Alexander Scot, parson of Wigtown, pursues Rankine Mure for 3s. remaining of a larger sum, for the teinds and *froits* of his kirk at Wigtown, of the year bigone. . . and for the wrangous, forcible, and maisterful spoliation, taking, and withholding of the whole lamb teinds, cheese, &c., dues of the said kirk since the feast of Pasch last bipast. . . Also William Murehead and John of Murehead for the wrangous occupation and manuring of the kirkland and glebe, and withholding the rent from him at Whitsunday." The Lords decree that Rankine should pay the sum owing, and that John and William should "devoid and red the said kirkland to the said Sir Alexander, to be disposed and set by him as he pleases in time to come . . . and content and pay as much as he can prove he has intromitted with the rent;" Sir Alexander being allowed to the 6th of December next to prove the same.

About this time several of the barons of Ayrshire and Galloway were led to reflect and talk upon the abuses of the Romish Church; as their views acquired a definite form, they attracted the attention of the priests. The adherents of the party are known as the "Lollards of Kyle;" and of these some thirty persons were cited before the Council.[1]

Among the persons thus summoned by Blackader, Archbishop of Glasgow, were several of the Campbells (of the same family as Corswall), Lady Stair, and her sisters Helen and Isabel Chalmers. This Lady Stair was a daughter of Sir John Chalmers of Gadgirth, wife of William Dalrymple of Stair; among her descendants are the Earls of Stair. It is an interesting episode in the history of that family that among the first of its members noticed in history is a "Lollard of Kyle." Two hundred years later another lady of the name, the first Viscountess Stair, was celebrated in Galloway tradition for her Presbyterianism, and for her assertion of her religious principles with wit and boldness before Claverhouse, a less easy judge than James IV. On this first occasion, the lady Lollards seem to have turned the laugh against their persecutors with great success—Read, Laird of Barskimming, conducting the defence; and we find that "the

[1] Archbishop Spotswood's *History*, 1630.

magnanimity of James treated the affair with due contempt, and it expired in a torrent of ridicule against the archbishop; Read, one of the accused, being a man of firm mind and facetious repartee."[1]

The year of the Sheriff's succession has a melancholy celebrity for unusually bad weather, and a bad harvest followed by a famine. Galloway suffered severely, and certain meteors, the accounts of whose size are probably exaggerated, filled the country with dread as the harbingers of calamity.

"Three moons appeared in the firmament," writes Sir James Balfour, "about two in the afternoon of the 25th of September, with much fryre, thunder, and raine, for three whole days thereafter."

In 1487, by an Act of Parliament, the sheriffs were ordered to charge themselves with the custody of delinquents arrested by the coroners, or of any persons charged with serious crimes, whom each sheriff was ordered to receive and keep in "surety and firmance, till the Justice Aire, receiving for the expence of each such prisoner three pennies each day." The old castle in the lake of Lochnaw was used by the Sheriff of Galloway for this purpose, and had occasional inmates of this description until the reign of Queen Anne.

Early in 1488 an insurrection commenced in Scotland, the promoters of which obtained possession of the person of the Prince Royal; and proclaimed him king. The Earl of Angus was the avowed leader, and when the summons to arms went forth from both parties in the state, the Galloway barons ranged themselves under his standard. Unfortunately the names of these gentlemen have not been preserved, but historians say these Galloway partizans were the bravest and best disciplined of the troops then together in the field; mounted on small but hardy steeds, and carrying spears longer than those of the ordinary cavalry of the period.

Led by their respective chiefs, this service-like division hurried up Glen-App,[2] and passing along the Ayrshire coast,

[1] Pinkerton.

[2] An old paper in the Advocates' Library has (Macfarlane's *Geographical Collections*), "GLENAP is in Galloway in the way betwixt Chappel and Balantrae." Chappel is the modern Stranraer. Glen-App is now a part of Ayrshire.

90021

directed their march to Stirling, where their arrival was hailed by loud acclamations in the rebel camp.

Almost immediately they joined issue with the royal troops; our compatriots formed the second division. The first division of Angus's army was repulsed by the king's Highlanders, when the gallant men of Galloway charged home with wild huzzas, and wielding their lances with deadly effect, bore down all opposition. James fled, was cruelly slain, and his son proclaimed king; and the Galloway chiefs, making over the title of rebels to their late opponents, marched back as tried loyalists, rich in glory and in plunder.

The affairs of the nation thus arranged to their entire satisfaction, these restless gentlemen, from the Sheriff downwards, occupied themselves in local feuds.[1]

Within a few weeks of the affair at Stirling, the gallant Sheriff, mustering his retainers, on some provocation unknown, crossed the Piltanton near its source; and passing over the ridges of Craignaquarrock—leaving Garthland and Kilhilt respectively on his right and left—he assailed Killeser, a stronghold of the M'Cullochs, drove off a large booty of cattle, and plundered the house; then, either passing on to Drumore or turning back upon Kilhilt, he laid his own brother-in-law, Adair, under contribution, and returned in triumph to Lochnaw.

The aggrieved parties appealed to the king for redress, who referred it to the Lord Auditors, and they, on due inquiry, decreed that "Quintin Agnew, the Sheriff of Wigtown, should restore to William Adair of Kilhilt, and Archibald M'Culloch of Ardwell, twenty-eight oxen, eighty-eight sheep, and four horses; and for the goods he took from Killeser insicht of household, sixteen merks."[2]

The Sheriff, however, was not quite satisfied with this bar-

[1] In 1488, the Sheriff's sister-in-law, "Margaret Wauss, Lady of Corswell, was authorised to make arrangements, through her procurator, relative to the tocher to be given to *James Campbell*, her son." The context alludes to young Campbell, yet a minor, having eloped with a lady of the house of Charteris.—*Act. Dom. Con.*

[2] Acta Auditorum.

gain, and was disinclined to pay the apparently very modest valuation of sixteen merks (not quite £1 sterling) for the furniture; so he appealed to the Lords of Council, and they, with all due gravity, pronounced a deliberate judgment on the 16th of March 1489:—

"Gif the gudes of household be deliverit again *as good as they were taken*, that they defalk the sixteen merks for the whilk the gudes were prisit, or any part of the remanent of the said gudes being deliverit again, that to be defalkit likewise.[1]

The tenor of both judgments proves that the Sheriff had succeeded in adducing extenuating circumstances.

In 1482, John, Lord Kennedy, son of the "Right Worshipful Gilbert," by Catherine, daughter of the first Lord Maxwell of Caerlaverock, obtained extensive lands in Leswalt. The family had added to their dignities that of "Keepers of the Manor Place of Inch," as well as Baillies of Regality of the Bishop of Galloway's lands on the Water of Cree. Lord Kennedy married a daughter of Alexander, first Lord Montgomery, and by her had an only son, known in his father's lifetime as Sir David Kennedy of Leswalt, who was eventually created Earl of Cassilis.[2]

We have, after this date, more frequent notices of the presence of the Kennedys in Galloway. In 1489, the Lord Auditors decree that Lord Kennedy should abide by the conditions of tack he had entered into with Quintene M'Dowall of the lands of Culmore, Caldones, and Larg, in the parish of Inch.

That he should give Quintene possession of the said lands; and they further adjudge that Lord Kennedy does wrong in withholding five score of sheep from Quintene M'Dowall.

It was easier to decree than to enforce obedience. Lord Kennedy appears to have been entirely indifferent to their judgment; for, on the 23d February 1491, on Quintene M'Dowall's

[1] Act. Dom. Con.

[2] The exact determination of the property was this:—In 1482, Lord Kennedy obtained lands termed the barony of Leswalt; in 1487, he gave them to his second son, Alexander, ancestor of Kennedy of Gervanmains, by his second wife, daughter of Lord Crighton. Alexander Kennedy afterwards transferred them to his eldest brother Sir David.

renewed complaint, the Lords of Council issue a summons to "John, Lord Kennedy, to show why he had not fulfilled all the articles of an indenture made by him of the lands of Culmore, as ordered by the Lord Auditors, and the Lords assigned Lord Kennedy till the 3d of March to prove that he had contented the said Quintene."

In 1489, the Sheriff was required to carry out an Act of the Estates for the protection of salmon. As this Act would suit the views of many a modern fisherman, we give it *verbatim* from the Statutes:—

"Anent cruives and fishzairs, which destroy the fry of fish, and hurt the common profit of the realm, it is ordered that all acts and statutes made before be observed and kept, with this addition, that letters be written to all Sheriffs, Baillies, and Stewards, to destroy, cast down, and put away all the cruives within their bounds incontinent without delay: and that those be indited who have cruives contrary to this act; and to pay for each cruive a fine of five pounds, payable by the maker and keeper up of the same.

"And any Sheriff failing to obey this, to be liable to a fine of twenty pounds to the king.

"And anent the cruives that stand in fresh waters, that they stand not in forbidden time. And let the mid-stream be always free for the space of five feet.

"And that the 'Setterdaies slop' be observed and kept as the act of King David requires.

"And that ilk heck of the cruive be five inches wide.

"And as for millers that set creilles and nets in dams, mill-leads, and waters, destroying red fish and fry of fish, they shall be indited.

"And the pain both of causer of creilles, nettes, and of the millers, ilk ane of them that does in the contrair, to incur the unlaw of red fish.

"And that letters be written, as said is, to the Sheriffs, Stewarts, and Baillies, to put this act in execution, under the pain of twenty pounds, to be raised upon the officer that fails."

The "Setterdaies Slop" is thus explained by Sir Thomas Murray of Glendook:—It "is a space of time within which it is not lawful to take the salmon fish; that is, from the time of even-song after noon on Saturday, until the rising of the sun on Monday."

An Act was passed this year, the title of which, if unexplained, would prove a mystery to many.

"Of Undooing of Caupes in Galloway."

"Whereas our Sovereign Lord's lieges dwelling within the bounds of Galloway, hes complained that certain Gentlemen, heads of kin in Galloway, hes used to take Caupes; and whereas our Sovereign Lord, and his three Estates, know no sufficient reason for this exaction: Therefore all persons claiming to exact and receive Caupes hes been warned to come to the Parliament, and there show what right they have to receive the same.

"And now persons making the said claim being oft-times called, and not compearing, and none having compeared or shown any right, title, or deed by which they claim the same:—

"Therefore our Sovereign Lord, willing to stop all such abuses and extortions on his people, for which there is no reasonable cause, has ordained that the taking of Caupes be given over in time to come: no man to take them of the King's lieges under pain, to be punished as for riefe."[1]

A Caupe, or Caulpe, was an exaction of the same nature as a Heregelt, or Grassum, generally consisting of the best horse, ox, or cow, the retainer had in his possession, taken by his superior for general maintenance and protection, in addition to certain other dues paid on successions and renewings of leases. This feudal tax is thus explained by an old author: "*Caupes*—pretended benevolences of horses, cattle, or the like, accustomed to be wrested from the poor by the landlords in Carrick and Galloway."

The Galloway barons made no attempt to defend their right to these Caupes at the bar of Parliament, and seemingly allowed

[1] Act James IV., par. 2, c. 18.

judgment to go against themselves by default. They had not, however, the slightest intention, as will be presently seen, of foregoing their pretensions, any statute to the contrary notwithstanding.

On the 3d of July, the Sheriff's nephew, "Patrick Wauss (Vaux), Sir Alexander Stewart of Garlies, John M'Dowall, and their cómplices," were brought into Court, charged with the wrangous occupation and manuring the lands of Kittisdale and Ardborg, in the Sheriffdom of Galloway, belonging to Sir (the Reverend) William Knollis; also for "withhalding the house of the same, and for the wrangous distroubling of him therintill." It was proved that the parson was aggrieved, and Sir Alexander and his friends were ordered "to devoid and red the lands, the same to be bruicked and manured by the same Sir William." The reverend gentleman was also given to the 13th of October to ascertain the costs and scaith he had sustained by being kept out of his house, and having lost a crop, for which the defenders were to indemnify him.

In 1490, M'Kie of Mertoun-M'Kie laid a complaint against the Sheriff of having made a raid on his property; but the Records of Council state:—

"Before the Lords of Council compeirit Quintine Agnew, Sheriff of Wigtown, and protested that because John M'Kie of Mertoun gert summoned him at his instance for the spuilzie of seven kye out of the lands of Mertoun, with their profits, as was alledged, and as is containit in the summons, and would not compeir to follow him, that therefore the Council decree accordingly."

The Lords of Council immediately acquitted the Sheriff.

In the spring of 1491, the Sheriff was ordered to issue a proclamation for a grand gathering of all men capable of bearing arms, at midsummer; accompanied with minute details relative to the accoutrements of the various ranks of lieges.

Every gentleman having ten pound worth of land was to be sufficiently "harnessed and enarmed with basnet, sellat, quhite hat, gorget or pessane, haill leg-harness, sword, spear, and dagger;

gentlemen having less extent of land, or unlanded, to be armed at their gudlie power at the discretion of the Sheriff." Any honest persons that wished it, might, at the discretion of the Sheriff, be equipped as men-at-arms; "and all other yeomen of the realm between sixty and sixteen shall have sufficient bows and schieves, sword, buckler, knife, spear, or a good axe, instead of a bow . . . and after the faculty of his lands and goods," every man was to be "furnished and harnessed in his body with white harness, brigantines, or good jaiks, with splentes and grooves of plate; and well-horsed, according to his lands and goods, at the discretion of the Sheriff."

Parliament was again called upon to grapple with the inveterate attachment of the commonalty to foot-ball, and re-enacted that "in no place of the realm there be used foot-ball or golfe, and other sik unprofitable sports." Under this sweeping law the Sheriff might even, if he pleased, cry down so classical a diversion as "Loup the Bullocks," an old Galloway game, something like the English leap-frog, but played more roughly, in which "that bullock," says a native author, "was considered the most famous of the herd, who, by heaving up his rump smartest as the leaper was going over, could launch him on his nose and draw blood!"[1]

This was at his discretion! But it was his bounden duty to ascertain that bow-marks were set up in each parish, under a penalty of forty shillings; each parish to be fined anew, each year that the bow-marks were not standing, and in which shooting was not regularly practised.

The Sheriff had now very largely extended his estates. In a decree of the Lord Auditors, dated 1491, "the Lands of Lochnaw, Marslaugh, Clanery, the Aird, Culhorn, the Boreland of Soulseat, Glencaple, Carnerzan, and Dunragit, in the parishes of Kirkcolm, Leswalt, Inch, and Glenluce," are all enumerated as parts of "the property of the Sheriff of Wigtown, and Marian Agnew, his spouse."

In 1489, James IV. founded a Chapel Royal at Stirling, and

[1] M'Taggart, *Gallovidian Encyclopædia.*

annexed it to the Bishopric of Galloway. This added considerable importance to the see, which was afterwards designated "Candidæ Casæ et Capellæ Regiæ, Strivelingencis." The see was the oldest in Scotland; and from the celebrity of the shrine of St. Ninian, its holder ranked first among the bishops, and next after the archbishops.[1]

The first bishop that held this new chaplaincy, was George Vaux, the Sheriff's brother-in-law; who, as royal dean, obtained much influence over the king, "moving him first to true penitence" for his share in his father's death; and at last inducing him to wear a heavy iron belt as a penance, which the "king wore daily about him, and eikit it every year certane unces weight."[2]

George Vaux, the Bishop, unduly elated at this visible result of his influence, seems to have thought that the Sheriff of Galloway might also be enthralled in the iron fetters of the Church; and pitting the ecclesiastical against the civil authority, he deliberately commenced a system of interference in the adminstration of justice within his diocese.

Quentin Agnew had however less superstitious veneration for the Church than his royal master, and vigorously resisted any infringment of his rights. M'Dowall of Garthland was then a sheriff-depute; and, apparently to add to the prestige of the office, he appointed Sir Alexander M'Culloch of Myrton another of his deputes—a very powerful baron, two of whose daughters, Katherine and Agnes, were married to Patrick and Fergus[3] M'Dowell respectively, the Lairds of Logan and Freuch.[4] Sir

[1] The coat armorial belonging to the See of Galloway is Argent, St. Ninian standing full-faced, proper, clothed with a pontifical robe purpure, on his head a mitre, and in his dexter hand a crosier or.—*Spotswood.*

[2] Pitscottie.

[3] Fergus was, properly speaking, *young* Laird of Freuch; he predeceased his father, Gilbert M'Dowall, leaving a son Gilbert (by Agnes M'Culloch), who succeeded his grandfather.

[4] On the 11th July 1494, Sir Alexander M'Culloch, sheriff-depute of Wigtown, sued Patrick M'Dowall of Logan for infeftment for his sister, into locality lands, for her dower. The Lords of Council ordered letters to be written to Patrick, desiring him to give in conjunc feftment to Katherine M'Culloch, his spouse, two

Alexander had exercised his functions but a very short time, before he found himself in collision with the bishop.

As sheriff-depute, he pronounced a decreet, in a regularly-constituted court, against Mitchell M'Briare, ordering his lands and goods to be distrained, for ten pounds owed by the estate.

M'Briare appealed to the bishop, who encouraged a reference in such matters to himself, and immediately forbade the Sheriff's officers to touch M'Briare's goods.

Sir Alexander M'Culloch, resenting this interference, accompanied his officers in person, and ordered them to do their duty; the bishop on his part threatening them with excommunication if they did so. Sore as was this trial to the nerves of these humble officials, they obeyed the Sheriff in preference to the prelate. Whereupon, Bishop Vaux solemnly cursed Sir Alexander M'Culloch, knycht of Mertoun; he cursed the sheriff-clerk; he cursed the sergeants, and other officers whomsoever; he cursed them all "by candle, by book, and by bell;" and then, committing the curses to writing, he caused letters of cursing to be served on all the parties.

"Never was heard such a terrible curse!
But what gave rise,
To no little surprise,—
Nobody seemed one penny the worse!"

Sir Alexander M'Culloch communicated with his principal. Quentin Agnew was every way inclined to support the dignity of his own office. Spiritual thunder fell somewhat flat against the Castle of Lochnaw, whose owner did not care over much for the letters of the Lords Auditors themselves; and not one farthing for letters from a bishop; only excepting, in so far as he looked upon the raising of these letters against his deputes as an insult. He therefore instantly rode into Edinburgh, and laid the case in person before the Lords of the Council; and with so much effect, that a summons was issued forthwith against the bishop, to appear and defend himself against a charge of "opposing the

merks' worth of land of old extent, of the lands of Auchness, "betwixt this and the 23d of October next to come."

king's authority in Wigtownshire, in the person of the Sheriff, in the execution of his office." The humbled prelate found himself compelled to appear; and after the case was carefully investigated, the Lords of the Council, having heard both parties, administered a severe reprimand to the crest-fallen bishop; and made a special entry in the books of Court, to the effect

"That the King's Highness is greatly injured in the leading of the said process against his officers, and in the execution of their office; and refers the correction and execution thereof to the King's Highness; and counsels his good grace to provide for remedy thereintill, that it may be an example to others in time coming, not to make stop or impediment to the King's officers in the execution of their office."[1]

The whole affair gives us a favourable opinion of the independent feeling of the Galloway baronage; of whom the Sheriff and his depute may be taken as a fair sample; showing that the people amongst whom had sprung up the Lollards of Kyle were less strongly imbued than many more civilized persons in Scotland, with the degrading superstitions of the times.

The tax-gatherer, a man more dreaded than the bishop! seems to have had his difficulties in these days in Galloway. In the same year, the treasurer, William, Lord of Saint John's, summoned the Sheriff for arrears in payments, not only of his own, but for those of many of his neighbours, for whom "the said Quintene became pledge to the said Lord."

Which sums the Sheriff of Galloway was ordered to pay forthwith.[2] An old unsettled score was also exhibited against himself, amounting to nineteen pounds twelve shillings, "of the rest of the first tax granted for our Sovereign Lord's marriage."

In answer to this summons, the said Sheriff was ofttimes

[1] Act. Dom. Con. "The Lords, upon hearing both parties, thought fit to refer the heinous misconduct of the bishop to the punishment of the king himself, as an example to others."—*Caledonia.*

[2] "Owed to the Lord Thesaurer by the Sheriff of Galloway, £19 : 6 : 8;" also by three of the M'Cullochs, ten pound each; and by Patrick Black, ten pounds; by Andrew Lauchlaneson, ten pounds, "for the quhilk the Sheriff became pledge."

called, and not compearing, the Council ordained "that letters be written to distress the said Quintene's lands and goods therefore."

The Sheriff's lady became alarmed at this crisis, and with commendable activity appears to have ridden into Edinburgh herself, to avert a visit from the bailiffs. The success of her mission appears from this entry in the books of court:—

"In presence of the Lord Auditors, Marion Wauss, spouse of Quintene Agnew, and Master James Henderson, Procurator for Quintene Agnew, permitted to delay all execution of any decreit, *gif any happit to be given.*" This was taking time by the forelock.

Another entry in the same books illustrates the statute "*that all Barons holding in chief of the king have a proper seal of arms:*" One of the Mures had sued the Sheriff as heir to his father for a debt. The Lords of Council had the late Sheriff's seal produced before them, and finding it *sufficient*, deliver "that Quintene Agnew, Sheriff of Wigtown, son and heir of umquhile Andrew Agnew, Sheriff of Wigtown, shall pay to Rankine Mure the sum of fifteen pounds, owed to the said Rankine by the said Andrew's obligation, *under his seal*, shown and produced before the Lords."

In 1494, the Sheriff was himself attacked by an armed band of neighbours, amongst whom was the young Laird of Myrtoun, son of his own depute. The raid was a purely wanton one, for the young men's "grait solace and divertisement;" but when arraigned for the offence, they coolly pleaded that they, forsooth, were carrying out the king's will in distraining the Sheriff for some of those sums for which he was indebted to the treasury!

These gentlemen had a fine day's run in pursuit of their prey, having swept in their expedition the whole basin between the Bay of Luce below the hills of Inch, and then galloped along the shores of Lochryan beyond Kilmorie Chapel, gathering additional booty on the lands bordering Loch Connel.

The affair was thus adjudicated upon in the Superior Courts, to which the Sheriff had appealed:—

"The Lord Auditors decree that Simon M'Culloch, Neil Neilson of Craigcaffie; Alexander Campbell of Auchness;

Uchtred M'Dowall of Dalreagle; Uchtred M'Dowall of Mindork; and Fergus M'Dowall, son of the said Uchtred M'Dowall of Dalreagle, shall restore and deliver to Quintene Agnew, and Marion Wauss, his spouse—

"Twenty-four kye, with their calffs, price of the piece two merks.

"Two hundred and twenty sheep, price of the piece four shillings.

"Eight oxen, price of the piece thirty shillings.

"Three horses—

which goods were spulzied and taken by the said persons out of the lands of the said Quintene and his spouse; that is to say, out of the lands of Lochnaw, Marslaugh, Clendrie, the Aird, Culhorne, Glenhapple, Carnarzan, Dunraggit, and the Boreland of Soulseat, as was sufficiently proved before the Lords.

"The quhilk goods were alledged to have been taken by the said Simon and his complices, by virtue of our Sovereign Lord's letters; the whilk letters being seen and understood by the Lords, were declared to be unorderly execut.

"Further, the Lords ordain that letters be written to distress the said persons, their lands and goods, for forty pounds (over and above the value of the goods spuilziet), for the said Quintene's costs, damages, and scaith sustained by him and his spouse, through the wanting of the said goods: as also for forty shillings for the expenses of the witnesses who deponed in his matter."[1] Thus the culprits suffered severely in pocket for their frolic.

At the same date, we have an instance of a widow suing as a "Tercer;" that is to say, claiming a right to a third part of her late husband's income as her dower.

"1 Dec. 1494—Dame Euphemia Graham (mother-in-law of the Sheriff), the spouse of Umquhile Sir William Stewart of Dalswinton (and Garleis), took up the summons raised by her upon Alexander Stewart of Garleis, knyght, for the uptake of the farmes and profits of the third part of the baronies of Garleis, Glassertoun, and certain others."

[1] Acta Auditorum.

This right appears then to have rested upon custom; but in 1503, an Act of Parliament formally decreed that[1] "the relict shall be terced, and bruik her terce," if her marriage was not challenged in her husband's life.

A curious act was passed in 1494, "that all barons and freeholders of substance should put their eldest sons to the schools when they are from six to nine years of age, and that they remain at the grammar schools till they are perfect in Latin; after that, that they remain three years at the schools of art and jure, so that they may understand the laws.

"So that they that are sheriffs may have knowledge to do justice, that the poor people should have no need to seek our Sovereign Lord's principal auditor for every small injury."[1]

The Sheriff had frequent opportunities of paying his personal respects to his sovereign, as almost yearly James IV. presented himself at the shrine of St. Ninian at Whithorn. At times he passed incognito, whilst at others he was attended by numerous retinues, and frankly accepted the hospitality of such of the barons as lived near his line of route.

In a recorded case, adjudged before the Sheriff in 1495, we have the specified values of certain ordinary articles of household furnishing:

"Henry Mundwell, burgess of Wigtown, and Janet Buyt, his spouse, summoned Rankin Mure, Alan M'Clellan, and others, for the wrongous occupation and withholding of their lands and tenements in Wigtown, and the detention of the undermentioned goods:

A basin and ewer	10s.	A pot	20s.
A chest	3s.	A pewter plate	2s.
A pan	3s.	Ane irn cruk (an iron crook)	3s.
Two cods (pillows)	4s.	A brasen chandelier	3s.
Two trests and two forms	4s.		

"The Lords of the Council, having heard the case, refer the matter to the Sheriff, desiring him or his depute to take proof thereof before himself, previously warning both parties; and, in so far as it is proved, to make the accused parties pay."

[1] Acts Par.

In 1497 the Sheriff, being prostrated by severe illness—his son being then from home—became anxious that legal guardians should be appointed to take charge of his affairs during his son's absence. The king accordingly granted a precept on the 8th of January 1498, conferring the office of curatory on his brother-in-law Robert Ahannay of Sorby, and his cousin Nevin Agnew, son of William Agnew of Croach, his brother, to hold good until his recovery or death, quaintly expressed in the old Scotch "gude ay and quhill God provides of his hele or ded."[1]

The latter alternative soon ensued—the ravages of disease were in these days rarely mitigated by the skill of the physicians. The third Sheriff died in the prime of life, leaving—besides his heir—Michael, a church dignitary and master of arts, which, in these days, carried with it the honorary address of "Master," upon all occasions.

[1] *Privy Seal Register, lib. i., fol. 68.*

CHAPTER XII.

THE FOURTH HEREDITARY SHERIFF.

Quhat stouth, quhat reif, quhat murder and mischance!
That none durst ryde, but into feir of weir,
Jok Uponland, that tyme, did mis his meir.

LYNDSAY.

(None dared ride out except in warlike array. John Countryman was then likely to have his mare stolen.)

BY a special warrant from the king under the great seal, Uchtred M'Dowall of Garthland,[1] young Patrick Agnew's cousin, had given him investiture, with all the feudal forms, of the Sheriffship of Wigtown, the Constabulary of Lochnaw, and the possession of the lands attached to it, ten years before his father's death in 1488—Patrick being then under age; and by a separate mandate he gave him sasine of the bailliary of Leswalt—the right to the exercise of these offices, and the administrations of the estates, being reserved to Quintin Agnew, his father, during his lifetime, and a third part of the revenues reserved for life to his lady, Marion, for her dower.

These settlements are embodied in a charter signed and sealed at the "Manor Place of Lochnaw, at a quarter of an hour past twelve of the clock on the 26th of April."

In the royal mandate Garthland is designed "Nobilis Vir;" and the witnesses are—John M'Dowall, James M'Dowall, Nevin Agnew, William Agnew, Elizeus Gordon, and Sir Finlay M'Bride, chaplain.

This system of resignation of properties into the king's

[1] Crawford's MS. history of the Garthlands is confused at this date; it makes this Uchtred grandson to Uchtred, the second Sheriff's brother, and son of a "Thomas;" which we believe to be a mistake, and that he was *the son* of this Uchtred.

hands, with a view to receiving charters of renewal to the eldest son, was the fashion of the times, for ensuring a lineal succession.

Very shortly after his succession, the young Sheriff married Katherine, daughter of Sir Robert Gordon of Lochinvar, by Marion, daughter and heiress of John Accarson of Rusco.

Tradition gives an amusing origin of the name of Gordon. In the reign of Alexander III. the ancestor of their house was simply known as Adam de Lochinvar. In his days Galloway was ravaged by a wild boar, which had done so much damage, and had killed so many of its pursuers, that at last the king promised a rich tract of land near Kirkcudbright to any one who would destroy this formidable brute.

Thereupon Adam de Lochinvar sought out the said boar, and after a hard struggle, was fortunate enough to kill him; but being fairly wearied out by his exertions, he sank down exhausted beside the carcass and fell asleep.

As he slept, a neighbouring laird, named Maxwell, passed by, and seeing at a glance how matters stood, he cut off the boar's head and made away with the prize.

No sooner had Adam awoke, than he discovered, of course, the unworthy trick which had been played, but—careful man that he was—before he had settled down to his nap, he had cut out the monster's tongue and secured it in his pouch. He felt that he had no time to lose; so hurrying home he mounted his fleetest horse, and rode so fast to the capital that Maxwell, on his nefarious errand, had only anticipated him by an hour. Already, however, Maxwell had obtained an audience of the king; the boar's head lay before him, and he was confidently claiming the broad acres as his reward. It was at this moment that Lochinvar rushed into the royal presence and claimed a hearing. The king listened patiently while each gave the other the lie direct. "Maxwell has shown us the head," said the monarch, "how then can you ask us to believe you?"

"Sire," rejoined Lochinvar, "a part only of the head is there."

"He lies again," cried Maxwell; "you, sire, can judge whether he is to be believed."

Adam swung round his leathern pouch. He produced a tongue, and triumphantly exclaimed, as the false baron turned deadly pale, "Unless that tongue fits into its own socket, let me be branded as a liar."

The jaws were forced open—no tongue lay between those terrible tusks—truth asserted her power—a few moments later and the trembling Maxwell was led forth a prisoner, and his own lands were added by the king to those which had been so gallantly earned by the man he had endeavoured to supplant.

"What is your name?" said the monarch, interested in the young hunter.

"Sire, I am called Adam of Lochinvar."

"And how came you to slay this boar?"

"As he turned upon me furiously, sire, I ran my sword into his open mouth, and gored him down."

"You have this day won yourself lands and a name," responded Alexander; "kneel!" The youth knelt, and the king, striking him with his sword, cried, "Rise up, Sir Adam de Goredoun; go and enjoy your properties, and take for the future a boar's head as your achievement."

De Goredoun returned a man of mark. The lands which he acquired by royal grant, lying between the Tarff and Dee, still bear the name of Tongland; and three boars' heads have ever since been carried by his descendants, of whom the senior branch are the Gordons of Lochinvar.

(Yet, notwithstanding this pretty tale, it is generally believed that the Gordons came from Normandy, where there is a manor of the name; and that a scion of that house, Bertrand de Gordoun, was the archer who killed Richard I. at the siege of Chalos.)

Isabel Gordon, a sister of the Sheriff's bride, soon after wedded the Laird of Freuch; and another Isabel Gordon, their aunt, a daughter of Sir John Gordon of Lochinvar, had some time previously married the Sheriff's relative, Uchtred M'Dowall, Laird of Garthland.

Of Sir John Gordon it is told, that being anxious to have more retainers to swell his baronial muster-rolls, he made proclamation that any of his name who chose to take service under him should have a piece of ground, and a boll of meal yearly; before long numbers responded to the call, nor was any likely-looking man questioned too closely as to his descent. Hence a proverbial expression in Galloway, still sometimes used when a man's pretensions to pedigree are not fully credited, "Ye're but a bou-o'-meal Gordon!"

After the wedding festivities, the Sheriff conducted his bride to Lochnaw; she probably sitting behind her husband on a pillion, her arm lovingly encircling his waist. And now let it not for a moment be supposed that we are treating our ancestors with any disrespect in picturing them in such homely guise, as we have it on record that even the king, James IV., when entering the Scottish capital with unusual pomp, rode on horseback with his queen behind him!

In studying the records of Galloway society it is curious to observe the various phases which the general lawlessness of the period assumed.

Up to the death of the second Sheriff, in 1484, "the wrongous occupation and manuring of land" was a prominent subject of complaint. But though this occupation was carried out with a high hand, yet there was generally some extenuation pleaded as to agreements or rights misunderstood; there was little actual personal violence, and the wrong done was easily atoned for by a fine in lieu of rent.

During the time of the third Sheriff, cattle-stealing on a large scale became the fashionable vice, and of this we have given many examples; but it is to be observed that even in these cases extreme violence is seldom charged, and loss of life very rarely recorded.

But after the succession of the fourth Sheriff we find crime assuming a far more serious aspect. Raids increased in frequency, and were more recklessly conducted, and were consequently met by organized resistance. The skirmishes thus

provoked frequently ended in loss of life, and deadly feuds were thence engendered.

The commencement of the sixteenth century was, in Galloway, a period of unusual violence. Neighbour turned out against neighbour, besieging each other's castles, which, if stormed successfully, were sacked. The criminal trials and domestic records of the period tell tales of rapine and of bloodshed little short of civil war.

In 1489, Sir Alexander M'Culloch of Myrtoun had a deadly feud with the Adairs; he assembled his retainers, and was joined by a strong party of M'Kies (probably from Myrtoun-M'Kie, and Larg), and advancing on the hostile district, by the way he induced M'Dowall of Garthland to assist him. Their united forces then invested the Castle of Dunskey. This, from its situation, was easily defended, three faces being almost inaccessible; but M'Culloch was able to starve out his opponent, and Adair was obliged to capitulate, withdrawing with his family and retainers, and giving up his castle to the besiegers.

The allies thoroughly gutted the house of all available articles; and collecting together what could not be carried off, having done all the damage that they could, they set the pile on flames.

The M'Kies now returned home with their share of the plunder; but Sir Alexander M'Culloch, having got his hand in for mischief, induced the Laird of Garthland to accompany him to Ardwell, where they attacked another M'Culloch, his relative and clansman, drove him from his own house, which they gutted and plundered, and then burned it to the ground.[1]

These audacious proceedings occasioned general alarm; all the parties concerned in them were declared "rebel," and put to the horn; and the Sheriff was so generally supported by public opinion, that, little as authority was then respected in Wigtown-

[1] There is a little difficulty in following the doings of the M'Cullochs, owing to their possessing another Ardwell in the Stewartry. The property of Ardwell adjoining Killeser belonged to them also, and previous to 1498 there seems to have been a place or manor-house of Ardwell of which no trace now is to be found.

shire, the Lairds of Myrtoun and Garthland found themselves obliged to make their submission. Through the mediation of friends the matter was arranged, and, the claims of the outraged Adairs being satisfied, the king, in (1499) the following year, granted a "remission" to Sir Alexander M'Culloch and *twenty-nine others* for the "burning and hereship of Dunskey." The Laird of Myrtoun also received a remission "for the burning and reifing of Ardwell, in company with the Laird of Garthland."[1]

The M'Kies fled from justice; probably they found it difficult to raise money sufficient to pay their share of the damage; and hence it was not till 1503 that Duncan M'Kie received his remission, for "burning the house and place of Dunskey, and reif of certain 'goods' therein." Whilst three more of the same family, having lurked as fugitives for at least twelve years, in 1510 "were allowed to satisfy the parties," and produced a respite, the Laird of Lochinvar becoming surety.[1] Having thus received some reparation for the wrong done him, William or Ninian Adair restored Dunskey in a style of architecture highly creditable to his taste, being a decided improvement on that of the neighbouring castles.[2]

As to Ardwell, the loss fell heavier upon the possessor; the former laird had been killed in the previous year in a midnight attack, and the son was unable or indisposed to restore the old house. The M'Cullochs, who were a powerful clan, seem to have been divided among themselves, for the burning of Ardwell was perpetrated by the head of the house, and the other outrage is recorded in the shape of "a respite granted to Patrick M'Culloch (in 1497) for the murder and slaughter of Archibald M'Culloch of Ardwell, committed under silence of night;"[1] whence it would seem that the culprit in this case also was a kinsman.

[1] Pitcairn's *Criminal Trials.*

[2] Grose says, "There are some remains of ornament which show it was once a handsome building, but relations as to the great antiquity of a castle here must refer to some former castle on the same spot. From the present building it is evidently apparent that it is not older than the middle of the sixteenth century." Grose was nearly right in his conjectures, evidently made in entire ignorance of the events narrated above.

Compared with these daring atrocities, an act of simple theft (or stouth, as our ancestors termed it), unaccompanied by bloodshed, assumes the air of a very venial crime; and we are inclined to smile when we read of John Dunbar, son and heir of the Laird of Mochrum, being arraigned along with his three servants (William Fleming, James M'Culloch, and John Core) for having taken away forty-three pounds in gold and silver, a silver seal, and "*other small geir*" belonging to the reverend father in God, George, Bishop of Galloway.

This prelate was none other than our old friend George Vaux, and no doubt he "cursed" the thieves with a right good will, though he probably found the Sheriff's assistance more effective than ecclesiastical thunders in bringing the young Laird of Mochrum to submission.

The father of the culprit, Sir John Dunbar of Mochrum, obtained a grant from the king in 1502 of "the office of Steward of Kirkcudbright, with the keeping of Threave Castle for nine years, together with the fishings in the Dee"—for all which he engaged to pay the king a hundred pounds yearly: (a strange jumble this of judicial offices, with a sporting lease).

The following year Sir John Dunbar was killed by Alexander Gordon (afterwards Sir Alexander) of Lochinvar, and was succeeded in his estates and offices by his son, whose feats have been just mentioned.

A deadly feud naturally arose betwixt the families of Gordon and Dunbar; the only action taken in which by the crown was the granting a charter of exemption to Sir Alexander Gordon for "himself, friends, tenants, and part-takers," from the jurisdiction of Dunbar the Steward, and any of his deputes or officers, as the "discord and unkindness" harboured between the two parties rendered neither of them "competent judges in an action concerning the other."

We cannot be surprised that the young Sheriff, bred up amid such lawless scenes, should have viewed his social obligations in a very different light from that by which he would be judged in the nineteenth century.

In 1503 he received special instructions as to holding a Weaponschawing—the Sheriffs throughout Scotland being commanded to order a parade of all the lieges capable of bearing arms within their respective sheriffdoms on Thursday in Whitsunday week.

A protective Act to agriculturists was passed at the same time, enacting that "no sheriff or officer should distrain oxen, horses, or other goods pertaining to the plough, or the tillage of the soil."

Increasing uneasiness continued to be felt at the rapid disappearance of the native forest; and a statute sets forth that the "wood of Scotland is utterly destroyed;" that therefore every man who cuts or sells green wood or burns heather after the month of March shall be fined five pounds; and it is further "statute and ordained that every lord and laird make them parks with deer, stanks, cunningares, dowcottes, orchards, hedges, and plant *at least one acre of wood.*"

The last clause in this otherwise magnificent decree may be taken as an example of that style of composition yclept bathos.

In 1504, James IV. granted a charter to Sir Alexander M'Culloch, erecting Mertoun into a burgh of barony in his favour, and specially setting forth that he gave it in consideration of the hospitality he received from the knight of Mertoun on the occasions of his passing to and fro on pilgrimage to Whithorn.[1]

In the old tower of Mertoun a room (now used as a pigeon-house) is still pointed out as the "King's Chalmer."

The Earl of Derby at this time was lord, or rather king, of Man; and this potentate imprudently led his subjects on a raid into Galloway, and plundered the lands of the M'Cullochs about Ardwell and Cardoness.

The chief of the house, called traditionally Cutler (which, we

[1] Patrick M'Dowall of Logan, brother-in-law to Sir Alexander M'Culloch, obtained a charter in 1504, setting forth that all the ancient charters of the family were destroyed by the burning of the Castle of Balzeiland, and that the said Patrick and his predecessors had held the lands of Logan beyond all memory of man.

suspect, was a *nom-de-guerre*, and that this was no other than Sir Alexander), equipped a flotilla, and, assembling his retainers, sailed over to the Isle of Man, and repaid the visit with interest, carrying off everything which was not "too hot or too heavy" for removal.

He returned again and again, and at last so terrified the Manxmen that it became a saying amongst them, that at meals they must eat their meat first, and finish with the soup (if haply they might do so), so as at least to make sure of something substantial before they were disturbed by the ubiquitous M'Culloch.

Whilst their constant prayer, we are told, was—

> "God keep the house, and all within,
> From Cut M'Culloch, and from sin;"

Or, as it was sometimes rendered,

> "Keep me, my good corn, and my sheep, and my bullocks,
> From Satan, from sin, and those thievish M'Cullochs;"

Tradition tells that one night a gray-haired patriarch had just uttered the above invocation, when an ironical voice responded from outside—

> "Gudeman! gudeman! ye pray o'er late,
> M'Culloch's ship is at the Yate."[1]

In a book published 1653, there is a certificate signed by an official at Peel Castle, as follows:—

"Taken by Collard M'Culloch and his men, by wrangous spoliation, twa box beddes, and ayken burdes, a feder bouster, a cote mailzie, a mete burde, twa kystes, five barrels, a gyle fat, xx. pipes, twa gunys, three bolls of malt, a quern of rosate of vi. stone, certin petes extending to 1 c. (100) loods, viii. boll of thrashit corn, xii. unthrasched, xl. knowtes." (This occurred in 1507.)

[1] The Yate is a landing-place at the north of the Isle of Man.

[2] "Cutler" has only the authority of the rhyme furnished by Train to Sir Walter Scott. The only authentic form is "*Collard*," as given above, which is evidently a mistake—either a clerical error, or John Machariotie, who signs the paper, did not know M'Culloch's name. "Knowtes" are black cattle.

There was another Myrtoun in Wigtownshire, in Penninghame parish, belonging to the M'Kies, hence usually called Myrtoun-M'Kie, and at a later date Myrtoun-Agnew. At a grand Justice Aire held at Dumfries in August 1504, Patrick Agnew, Sheriff of Galloway, on the one part; and John M'Kie of Myrtoun, and his son David, on the other part—entered into mutual recognizances to keep the peace towards one another, before Andrew, Lord Gray, the Chief-Justice. John Murray of Cockpule (now represented by the Earl of Mansfield), became security for the Sheriff, and Thomas Kirkpatrick of Closeburn—whose blood is said to flow in the veins of the Empress of the French—was cautioner for the M'Kies.

CHAPTER XIII.

THE COURT AT WHITHORN.

Then cam in Dunbar the maker,
On all the flure there was nane fraker;[1]
He hopet like a filler wantoun,
He trippit quhile he tur his pantoun.
A mirrear daunce micht na man sie.

A DAUNCE IN THE QUEEN'S CHALMER.

OLD Drummond of Hawthornden narrates, that "the queen in her throws of birth being near the last agony of death, the king, overcome with affection and religious vows, taketh a pilgrimage for her recovery on foot to the shrine of St. Ninian in Galloway."

The devotion of the royal pilgrim was followed by the queen's entire restoration to health; and the fame of the relics at Whithorn was confirmed, to the convincing of all gainsayers, if such there were.[2]

In order befittingly to show the royal gratitude, James, with Margaret his queen, entered Wigtownshire the following July with a splendid retinue.

Now was the time for the wild Scots of Galloway to don their best attire, and ride forth with all their retainers, but "soberwise," to do honour to their king. As the royal cortege advanced, from every tower and manor-place of Galloway martial groups of gaily-dressed horsemen in turn presented themselves,

[1] More frisky.

[2] "Ninian had his chief abode in the county of Galloway, and built there a church all of white stone, which was therefore called Candida Casa; and to this day, in the county language, Whitherne; as you would say, 'a white house.'"—*Spotswood.*

and swelled the gorgeous train. The usually quiet streets of Whithorn rang with the tramp of horses and the clang of horns, as band after band arrived. That the horses were stabled, and that their gaily-dressed riders found accommodation at all, appears to us not the least miracle of the many that were wrought within these sacred precincts.

Soon the procession was formed for visiting St. Ninian's shrine. The white canons led the way, chanting in exultant chorus; Soulseat, doubtless, was represented here; whilst a sympathising quoir of Black Friars from Wigtown, and of parti-coloured Cistertians from Glenluce, assisted in the triumphal march.

The lairds of Garthland and of Myrtoun[1] asserted the privilege of their ancient houses of carrying the host, after whom came the king in his robes of state, leading the queen by the hand, radiant in health and gems. Next came the royal household; the Sheriff and his brother lairds followed with religious gravity, the least superstitious of these lords of the soil acknowledging to a certain feeling of personal satisfaction at the celebrity of their local saint. The wondering throng gazed with unmixed admiration at the stirring sight. It was a gala day indeed. Fair ladies graced the scene apparelled in their gayest attire, to shine forth amongst whom as became a queen, Margaret had employed seventeen horses, which followed the litter on which she was borne, loaded solely with necessaries for the royal toilet. The king's wardrobe was carried by three, though a fourth horse was requisite to carry his "chapel geir." The solemn services concluded, all was revelry and mirth; and the barons, having duly assisted to do justice to the feast to which their good ladies had contributed, were in full humour to conclude the revels with "a daunce in the queen's chalmer," at

[1] During the Roman Catholic times, four families claimed the privilege of carrying the eucharist in all religious processions in Galloway, as being descended from the indigenous nobility of the province. These were the M'Dowalls of Garthland, the M'Cullochs of Myrtoun, the M'Kies of Larg, and the M'Clellans of Bomby.—*Playfair.*

which, however, let us hope that the court were not entertained by many such mishaps as befel the gay Dunbar, with the record of whose misadventure we have headed the chapter.

On their return to Holyrood, the king and queen visited Glenluce Abbey, where the king made a donation to the gardener of four shillings. The large garden and orchard, extending to twelve Scotch acres, was one of the sights of the west of Scotland. Then passing by Soulseat and Innermessan, they returned to the capital by way of Ayr.

Both before and after this grand progress, James IV. repaired frequently to Whithorn, though never again with the same magnificence. On one of these occasions, there is an entry in the royal accounts :—

"To ane Inglesman and ane woman that were spuilzeit passant to Quhitherne, be an Inglishman, and ane Scottis man quhilk were justifeit[1] zairfor, 14 shilling."

Few attempts have been made to describe the domestic customs and the merry-makings of these times. Though crime and disasters, wars, feuds, and plundering raids are chronicled in abundance; little note has been taken of the triumphs of culinary skill achieved on festive occasions by the fair mistresses of our feudal towers; and this is the more to be regretted, because if our forefathers were somewhat prone to quarrelling with their neighbours, they were at least as fully alive to the duties of hospitality.

Authentic accounts of these more agreeable subjects are meagre in the extreme. An old Norman-French proverb in use amongst our ancestors thus recommends a division of the domestic day :—

> Lever a cinq, diner à neuf;
> Souper a cinq, coucher à neuf;
> Fait vivre d'ans nonante et neuf.[2]

Though this precept was considered rather rigid in 1506,

[1] Executed.

[2] Rise at five, dine at nine; sup at five, to bed at nine;
Will make you live ninety years and nine.

the hours actually in vogue were but one later in each case; at the commencement of the sixteenth century the hours for dinner and supper, among the higher classes of society, were ten and six respectively.

In Galloway, at this date, the dining-rooms were neither lathed nor plastered; and hangings for the walls were a luxury confined (and that very exceptionally) to a few of the wealthiest barons. Rough cupboards stood against the walls of the hall; the dining-tables consisted of boards supported on tressels—hence they were very elastic—and, as required, were made to accommodate comfortably a number only limited by the size of the whole apartment. When the repast was over, free circulation was given by the simple process of lifting a few of the leaves off the tressels; and when the party broke up the "*tables were closed*," as it was expressed, which meant that their component boards were all ranged against the wall.

On dinner being served, the grand event was announced by the sound of horns and trumpets. A servant then handed round a basin, in which each guest washed his hands, another following with a towel. Guests then not only walked to their places in couples, but ate in couples also, two persons being always served off the same plate (that is to say if they could get one at all), for plates were sometimes scarce, in which case thick slices of inferior bread did duty instead. Such slices were called trenchers; by these the gravy was soaked up; and in primitive times, and at more frugal entertainments, the trenchers themselves formed a part of the repast; but among the wealthier classes it soon became the custom to throw these into the alms baskets, whence they were distributed to the poor.

On gala days a Galloway baron produced viands in very considerable variety. The beef and mutton were of the very best; there was veal, lamb,—and not only pork, but wild boar. His bill of fare also included, besides poultry of all sorts and game (such as are now common)—swans, sea-gulls, and cranes—which last, being enormously dear, served to mark the liberality of the entertainer.

The red-fische, or salmon, was duly appreciated, although in 1500 a porpoise was esteemed a still greater delicacy; and many Galloway lochs were then famous for producing "great store of eels," against eating which there was at that time no prejudice. Besides ordinary wheaten bread, on grand occasions a fancy loaf, called "bread of mane," sweetened, and enriched with spices, was considered absolutely necessary.

"A hen in the broth with plums in it," was a national dish which, long before this, had attracted the favourable notice of English travellers. We know little as to the detail of the second course; but our fair ancestresses understood well the art of making jelly from the feet of sheep and oxen.

As to the dinner-service, napkins were in general use; though, except on state occasions, we may doubt their being scrupulously clean.

The dishes and plates, as well as the spoons and cups, were almost all of wood. There were steel knives; and forks also, which were used occasionally in serving the dishes; but these latter were not used in eating at this time, nor for more than a century later. Even after the accession of James VI. to the English crown, eating with forks was considered not merely an affectation but a monstrous foreign innovation, against which worthy divines were wont to launch forth invectives, as a daintiness which was a direct insult to providence—the disdaining to touch with the fingers the meat which had been graciously supplied![1]—and as a sin which might entail national judgments.

Glass bottles were in use, and these of very grand propor-

[1] Wright's *Domestic Manners*.

In Ben Jonson's play of the *Devil is an Ass*, first acted in 1616, occurs this dialogue—

"*Meercraft* (a speculative adventurer). My project of the forks!

Sledge. Forks! what be they?

Meer. The laudable use of forks
Brought into custom here as they are in Italy,
To the sparing o' napkins . . .
. . . . . 't will be
A mighty saver of linen through the kingdom."

tions, as we often read of bottles holding each a half gallon of Gascon wine;[1] but wine-glasses were rare indeed, and up to a very much later period, at the houses of the smaller Galloway lairds *one* glass had frequently to serve a whole company.

The grand ornament of the table at baronial feasts was the salt-cellar: this varied in material and magnificence according to the wealth of the owner, and was often the only piece of plate; although, in a few of the "best hadding" houses, there was sometimes to be seen a second silver vessel which was divided into compartments for holding spices.

When the last course of the dinner was over, the attendants again handed round the basin and the towels—a very necessary process where all had eaten with their fingers; and then the company sat over their wine and made merry. Minstrels were frequently introduced at the dessert; their presence was an addition to an entertainment which was highly prized.

These few particulars, authenticated with great care, may serve to throw a little light on the festivities of our ancestors. Their feasts were conducted in a style of rude magnificence, and we may easily realise the doings in their dining-halls; but as to the bedroom arrangements incident to their great gatherings, these, we confess, utterly exceed our comprehension!

[1] "Thair is ane pair of bossis, gude and fyne,
They hald ane galloûn full of Gaskan wyne—
And als that creill is full of BREID OF MANE."—DUNBAR.

Lindsay of Pitscottie, in giving the details of a great feast given by the Earl of Athol in 1528, enumerates "all kind of drink, as aill, beer, wyne, both whyte and claret, malvasie, muskadaill, eligant hippocras, and aquavitæ; farder, thair was of meattis, wheat bread, maine bread, and ginge (ginger) bread; with fleshis beiff and mutton, lamb, veill, and vennison, goose, gryce, capon, cunning, cran, swan, pairtrick, plever, duck, drake, brissel-cock (turkey), and paunies (peacocks), black cock and muirfoull . . . all delicat fishes, as salmond, trouttis, pearches, pykes and eiles . . . with confections and drugs for the dissert."

CHAPTER XIV.

THE FOURTH HEREDITARY SHERIFF.

The Kennedys, wi' a' their power,
Fra Cassilis to Ardstincher Tower,
May rise and flock like screeching craws
Fra heighs an houghs, fra hames an ha's,
An hither come wi' blawing crack;
They 'll bear anither story back.

In 1506, Alexander Kennedy transferred his estates in Leswalt to his elder brother, Sir Alexander Kennedy (their father, Lord Kennedy, being still alive). Up to this time the greatest unity had existed between the Kennedys and the Agnews. In a previous generation we have shown Sir Gilbert Kennedy mounting to accompany his young kinsman, Andrew Agnew, on the occasion of his infeftment into his offices and estates; but, soon after this, Sir David Kennedy, who styled himself "of Leswalt," took up his residence at the Lochs of Inch, and a series of misunderstandings arose between the families. We have now to tell of Sir David mounting and turning out in warlike guise, not to support the Sheriff, but to interfere with the exercise of one of his jurisdictions.

To understand the nature of the quarrel, it must be explained that the Kennedys held certain lands in Leswalt of the crown; but that, although these lands were described in their charters as their barony of Leswalt, they extended to but a moiety of the parish of the same name.

In Leswalt parish, owing to the former possession by the kings of Scotland of the royal Castle of Lochnaw, there had existed from time immemorial a regality jurisdiction, including the larger division of that parish, and probably also a part of the parish of Kirkcolm. Of this the Agnews had been for many generations the heritable baillies. In the year 1508, however,

Sir David Kennedy asserted his right, as owner of the barony of Leswalt, to hold courts within it at his pleasure. The Sheriff disputed his pretensions upon the ground that the so-called barony of Leswalt was merely the accidental name of certain lands, the possession of which in free barony in no way interfered with the regality jurisdiction over the rest of the parish; and that Sir David's courts, in respect of this and his other estates in the neighbourhood, should be held at his own residence in the Inch. He further insisted, and with every appearance of reason, that the Agnews held the office of baillie, with the sole right of holding courts at Leswalt, from the king; and had so held it from the times of David II.[1] The Agnews, moreover, had extensive estates in the Rhinns, most of which they held "free blench" of the crown, and in right of which they could in no way be subject to the Cassilis family.

Sir David Kennedy determined that he would hold his courts at Leswalt notwithstanding, and proceeded to put his resolutions in effect. This led to many collisions, resulting at last in a regular feud between the families of Kennedy and Agnew, which, breaking out more or less violently at intervals, lasted for more than a century and a half.

The Kennedys were by far the more powerful family of the two; but partly from the fact that their base of operations in the Inch was further removed from their principal resources than was that of their opponents, partly from their clan being much divided among themselves, and partly also because the Galloway barons in general sided with their own Sheriffs, the Agnews, strange to say, almost always had the advantage in several brisk passages at arms which occurred between them. The frequency of these encounters may be inferred from the fact that five battles-royal took place between 1506 and 1513, which were the subjects of adjudication in the Supreme Courts.

In the first breach of the peace to which the Sheriff was a party, he seems not to have wished to resort to extremities, as he is merely described as having "rode forth in routing with

[1] See Petition of Sir Patrick Agnew to King Charles I., date 1629.

Patrick Mure and others," and warned Lord Kennedy not to hold his court. This course was perfectly decorous; and we may presume, from there being no further charge urged against him, that he then returned to Lochnaw. But Patrick Mure (probably of the old house of Craiglaw), keeping the party together, made off across country for Leswalt, came upon Sir David suddenly as he was about to hold his court, forced him to retire, and appropriated his servants' arms as well as their cloaks, as the spoils of war.[1]

Kennedy was not the man to be intimidated by such doings. Shortly afterwards he publicly announced his intention of holding a baron-court at Leswalt; and again the Sheriff warned him not to do so; this time also he personally led on the party which opposed the opening of the court.

The Sheriff, heading a fully-equipped "band of retainers," was accompanied by Nevin Agnew of Croach and one of the Adairs; and, posting himself in the way, barred Sir David's passage to the parish church, and a regular fight ensued. The Sheriff was successful, and Kennedy was compelled to return.

He thereupon laid the case before the High Court of Justiciary, who summoned the Sheriff before them. All the parties were present, and the Sheriff, Nevin Agnew, and John Adair, were arraigned on the charge of having turned out with "warlike arms, jakkis and splentes," and "hindering Sir David Kennedy from coming to Leswalt." The three principals were fined ten merks each for the assault; but even this was not enforced upon the spot, as the Sheriff was "permitted to become surety for the whole." No decision appears to have been pronounced as to the right of Sir David to hold the court.

Kennedy chafed under his former discomfitures; and the Sheriff, having done penance for his violence in the shape of his

[1] Patrick Mure is charged with "oppression done to Sir David Kennedy of Leswalt, knight, in that he came upon the said Sir David whilst he was preparing to hold his court upon his heritage of Leswalt," "in warlike manner;" also with the "hereschip of cloaks and other goods from the said Sir David his servants."—Pitcairn's *Criminal Trials.*

promised ten merks, considered himself absolved upon the old score, and was ready to open a new account. An occasion soon occurred. Kennedy again prepared to hold a court; the Sheriff, rendered somewhat more cautious by his experience of law, kept in the background, but induced his near relative, Patrick Vaux, to warn off Sir David. The warning was of course disregarded, and Sir David came upon the ground; he dismounted, entered a house, and arranged the preliminaries for constituting a court. Suddenly Vaux and an armed band galloped up, maltreating the baron's servants, clearing the court, and disarming his vassals; and again the military cloaks of the invading band were brought as trophies to Lochnaw.[1]

For this assault Sir David Kennedy again had the parties summoned before the Court of Justiciary; but again, though a verdict was given in his favour, the damages were merely nominal—the Sheriff again becoming surety for the parties.

Sir David Kennedy now determined to take the law into his own hands, and summoning all the succour he could command from amongst his father's dependants in Ayrshire, he, for the fourth time, dared the Sheriff to prevent his holding his court in Leswalt.

Patrick Agnew accepted the challenge at once, and well aware of the superior resources of his opponent, he sent urgent messages to his neighbours to inform them of the fact. His popularity is well attested by the result. The Laird of Garthland, with Campbell, the Laird of Corswall, accepted the invitation; Ninian Adair,[2] young Laird of Kilhilt (then a suitor for the

[1] "Patrick Vaux and his servants for oppression, coming upon Sir David Kennedy at the time of his holding his court at Leswalt. *Item.*—Stouthreif of certain cloaks and other goods from the servants of the said laird."—Pitcairn's *Criminal Trials.*

[2] Ninian Adair is styled in the process "Young Laird of Creaken." Cricken or Creaken was a property of the Adairs in Kirkmaiden, not far from the Mull of Galloway. Symson says, "At a piece of ground called Creechan, about a mile distant from the kirk, the sheep have all their teeth very yellow; yea, and their very skin and wool are yellower than any other sheep in the country, and will easily be known though they were mingled with any other flocks of sheep."

Sheriff's daughter) came gallantly caparisoned and well attended; M'Culloch of Killeser joined him; and Murray of Broughton and Vaux, never disinclined for a passage at arms, sped from the Machers to join the gathering.

Quentin Vaux, the Abbot of Soulseat, not only graced the hospitable board of the Sheriff, his relative, with his presence, but brought a goodly contingent of armed retainers from the Abbey.

Cheerily the cup went round that night in the crowded dining-room at Lochnaw, and merrily the band mustered next morning in the castle-yard—headed by seven as gallant and gay young lairds as could be found on the Scottish borders; after them rode their several attendants; and then followed twenty retainers of the Sheriff in warlike array, he himself being attended by his trusty henchman Alexander.

The stirrup-cup, no doubt, was handed to her guests by the fair Catherine herself; whilst the Abbot of Soulseat encouraged the party by his blessing, as they all filed off towards the chapel of St. John.

At that day the present site of Stranraer was only marked by this solitary chapel, a humble vicarage for the curate standing beside it, whose garden extended along the banks of a small burn. Towards this stream the party took their way; across which Sir David Kennedy must needs pass when he issued from his Lochs of Inch on his way to the church of Leswalt. They had not long to wait; the Kennedys came gallantly on, and a battle ensued with some effusion of blood (though without loss of life), in which the company from Lochnaw were entirely victorious.

Again the principals were summoned before the High Court of Justiciary, charged with "forethought oppression to Sir David Kennedy;" but though the Court held the charge proved, and

Oddly enough, of the other "*Kirkmaiden*," now a part of Glasserton parish, there was the same peculiarity recorded. "In this parish of Kirkmaiden is a hill called the Fell of Barullion; and I have been told, but I give not much faith to it, that the sheep that feed there have commonly yellow teeth as if they were guilded."—*Symson.*

characterised the breach of peace as "a heinous" one, they considered ten merks to each delinquent a sufficient penalty—the Sheriff of Wigtown, the Laird of Garthland, and Alexander Gordon of Craiglaw, becoming sureties for the parties.

Sir David Kennedy was certainly not over popular with his neighbours; for in 1508 a charge was made against Alexander Ahannay, brother of the Laird of Sorby; Fergus M'Dowall, young Laird of Dalreagle, and eight others, "for riding forth of burgh, in routing and oppressing Sir David Kennedy." A greater instance of audacity is recorded of Nevin Agnew of Croach, who, though very much inferior, both in wealth and following, attacked the great man in a most defiant manner, on two occasions, as appears by the books of the High Court of Justiciary; in the one instance, the said "Nevin comes in for the king's will for breaking his majesty's protection granted to Sir David Kennedy;" and in the other, Nevin is permitted to compound "for oppresion to Sir David Kennedy in carting hay out of his barn."

Such terms as "protection" and "oppression," read rather strangely as applied to the conduct of this pugnacious little laird towards the heir of Cassilis, whose power was so great that it was proverbially said—

"From Wigtoune to the toune of Aire,
And laigh doun by the Cruives of Cree,
Ye shall not get a lodging there
Unless ye court wi' Kennedie."[1]

On the death of Lord Kennedy in 1508, Sir David succeeded to all the family possessions, and resided principally in Ayrshire; and in 1510 he was created Earl of Cassilis. Having now a wider sphere for his energies, he troubled himself no more about the baron-courts of Leswalt. He did not, however, quite

[1] Sir Walter Scott thus renders it—

"From Wigtown to the town of Ayr,
Portpatrick to the Cruives of Cree,
No man need think for to bide there
Unless he court St. Kennedy."

The one we have given is, we believe, the original version.

forgive his old opponent, the Sheriff, and was able to occasion him frequent annoyance by encouraging various parties in humble life to make complaints against their heritable bailhe.

To find causes for these was a very easy matter. The Sheriff was far from immaculate; he dearly loved "a Caupe," and was prone also to demand the fulfilment of baillie-work far beyond what was authorised by law. Although such exactions were still sanctioned by custom in Galloway, yet all such abuses were strictly forbidden by statute, and now the vassalage were incited by Cassilis to put in legal claims for redress. When the catalogue of such oppressions was made to extend over a period of many years, a most formidable list of accusations stood against the chief magistrate of the county.

One string of complaints ran thus:—"For oppression done to Thomas M'Dowall, Roger M'Crochat, James Kennedy, and Mariota M'Kewen (and sixteen other persons), by the Sheriff of Galloway, in plundering them of a swine yearly, in the years 1504, 1505, 1506, 1507, and 1508." Here were Caupes!

Also, during all the same years, obliging all the same parties "to plough and harrow his lands, thereby oppressing them." This was baillie-work.

Further, for causing all the same persons constantly during the same time to build him "*fold-dykes with their own peats!*"

The Sheriff did not deny the truth of any of the charges, which were evidently not considered heinous by the Court; his simple offer to compound with the parties was at once agreed to, and his kinsman, Sir Alexander Gordon, became his surety. On another occasion, on a very similar charge, he had to compound for "oppression done to Thomas Kennedy in forcibly taking a young riding-horse from him" (a Caupe again); and for striking the said Thomas, who objected! At the same time, he seems to have admitted a charge of "oppression done to Thomas M'William in harrying from him ten bolls of barley;" and again he was permitted "to compound." His proficiency in warlike pastimes, such as became a Galloway baron, is amply evidenced by many entries in the books of Court; amongst which are such charges

as "being art and part of the stouthreif of four cows from Thomas Cunningham in Carrick;" and "of the hereschip of a jument from John M'Rorat in the Forest of Buchan;" for which, as for all his other delinquencies, he was simply "permitted to compound."

Heinous as these charges sound to modern ears—and more especially when made against a sheriff—it is observable, as an illustration of the manners of the times, that they were in no way considered derogatory to the character of a gentleman, and that they were treated as venial even by the High Court of Justiciary.

As to the case in the Forest of Buchan, this seems not to have been merely a rollicking, moss-trooping frolic, but a raid deliberately conducted in defiance of his powerful neighbour Lord Kennedy.

This forest then occupied an immense area, including large tracts in the parishes of Straiton, Dalmellington, Carsphairn, Minnigaff, and New Galloway.

From Loch Doon it extended by Carsphairn and Loch Dee to Loch Trool, and thence to the Water of Cree.

The following modern farms were A.D. 1500 all included in the forest:—The farm of Buchan (the house of which stands on Loch Trool), of 9999 acres in extent; the shepherds call it the "four nines." There were also Portmark, Arrow, Lamloch, Lochhead, the Star, Shalloch o' Minnoch, Tarfessoch, Palgowan, Stroan, Dungeon of Buchan, Glenhead, Garrary, Castlemaddy, the Bush, the Cowering Lane, Poomaddy, and others, over which the Cassilis family then ranged as undisputed owners.

Much of the so-called forest was bare rocky heath, but there was also a great extent of wood. There were in it also some rich and well-sheltered pasturages, and many beautiful glens—the whole abounding with game. The Dungeon of Buchan and the Mearoch were the most prominent features in these mountain scenes, among whose wild retreats, as late as 1684, Symson writes, "are *very large* red-deer; and about the top thereof that fine bird called the mountain partridge, or by the commonalty

the *tarmachan*, about the size of a red cock, and its flesh much of the same nature; it feeds, as that bird doth, on the seeds of the bulrush, and makes its protection in the chinks and hollow-places of thick stones from the insults of the eagles, which are in plenty, both the large grey and the black, about that mountain." A ptarmigan is said to have been shot upon this hill, now the property of the Earl of Galloway, as late as the year 1820.

Lord Kennedy delighted in the title of "Ranger of the Forest of Buchan;" and a nobler field for the wild sports of the chiefs of former days could hardly be imagined. Many hunting-lodges were here kept up for his convenience, of which, to this day, there are numerous remains.

Of these, his favourite stood under the Dungeon of Buchan, on a pretty green knoll, surrounded by three small lakes; it was called Hunt Hall, and a choice spot it was for a sporting rendezvous. Garrary was another of his haunts, and also Poomaddy, where shepherds still tell that the food for Cassilis's hounds was prepared in former days.

The limits of the forest gradually contracted, and, in the seventeenth century, that part lying in the parish of Minnigaff alone retained the name. There is a procuratory of resignation by which "the free Forest of Buchan is granted by John, sixth Earl of Cassilis, to John Gordon of Lochinvar, dated 11th February 1628,"[1] all which is now the property of the Earl of Galloway.

In the days of which we write the forest existed in its full glory; and as its borders (not very accurately defined), marched with many of the lands of the Laird of Lochinvar, causes for feud were seldom wanting between the Gordons and the Kennedys, in which the Sheriff naturally took the side of his father-in-law. It was on some such occasion that he was concerned in the affair recorded in the Books of Session.

Not long after this the Sheriff had an attack made upon his own lands by the young Laird of Gelston,[2] a son of M'Clellan of

[1] Mackenzie.

[2] Gelston, often spelt Gyleston, was in the parish of Kelton in the Stewartry, in which was annually held the famous Kelton Hill Fair.

Gelston, by Catherine, a daughter of a former Sir John Dunbar of Mochrum.

This M'Clellan was a dangerous character indeed; when very young he had been declared a rebel for having fled from justice on a warrant charging him with "the cruel slaughter of George Frere." This matter he managed to get over, but was soon in other scrapes.

In 1510 he made a descent on the lands of Lochnaw, and was convicted at the Justice Aire at Wigtown "of art and part of stouthreif of twenty oxen" from the Sheriff of Galloway; and this misdemeanour seems to have been attended with unusually aggravating circumstances, as the sentence, rarely pronounced on a man of his rank, even for much more serious crimes—to "be beheaded"—was given "for his doom."

Great interest was made for him, and the Sheriff was induced to allow him to compound, whereupon he obtained a reversal, given in these words:—

"The king's grace rehabillis Patrick M'Clellan of Gilston to his worldly honours, dignities, and other priveledges; and lawfully to succeed his father, and other his predecessors, notwithstanding the doom given that the said Patrick's head should be stricken fra his body for the reif and stouth of twenty oxen and ky from Patrick Agnew, Sheriff of Wigtown, under silence of nycht."—16th January 1511.

The young Laird of Gelston was, however, incorrigible; for two years afterwards he was again outlawed, and obliged to fly the country, "for not entering to underly the law for the slaughter of Robert Muir."

Our statement that in the fifteenth century there were considerable remains of the native forest receives decided confirmation from some of the recorded trials in the sixteenth century.

Thus, 1510, "John M'Clumpha, dwelling with the Abbot of Soulseat," was charged with barking trees and stealing wood in the wood of Garthland, was convicted, and sentenced to pay £3. (Afterwards remitted in consideration of his poverty.)

Three other convictions were obtained at Justice Aires at Wigtown, the offence being *cutting*, barking, destroying, and carrying away wood. So that there is a reality in the "*woods*" (not mere forests or chases); of which four (*mentioned in one Justice Aire*) certainly existed in 1510.

A charge was made about this time against two of the Sheriff's servants (bearing on the face of it a strong presumption of the master's complicity in the affair), of robbing John M'Kie of Myrtoun of seven cows with their calves, and "wounding the said John and his man, with loss of thumb to the said John." The Sheriff became surety for them both.

At the same time also the same parties produced a remission for the slaughter of Patrick and Thomas M'Kie, and of one M'Meikan; hence a sanguinary action, on which history has been silent, seems to have been fought!

Nevin Agnew of Croach, who had before so coolly carted away hay from Lord Kennedy's barns, led on many a raid amid these scenes of lawlessness triumphant. He pleaded guilty on two distinct indictments, before the Lords Justices, to having attacked both Ardwell and Kilhilt, "coming upon them in a warlike manner." A third and a fourth charge stood against him in the court books, technically termed "for oppression;" but for all of these he was permitted to compound, although one of the latter cases certainly strikes us as a most daring act of plunder (a fair type perhaps of the chronic disorder of the times), being "the stouthreif of tymmer of two houses, with the *windows and doors* thereof!" A want of money to those who played such pranks was, however, a serious matter. At a Justice Aire in Wigtown, in 1510, several men who were too poor to compound were left for execution for similar acts; whilst the Laird of Croach still roamed at large in search of fresh adventures.

At this assize several persons were convicted of killing red-fische (salmon) in close time, and were fined.

About this date the Sheriff's eldest daughter, Catherine, was married to Ninian Adair, the eldest son of Alexander Adair of Kilhilt, by Euphemia, daughter of Sir William Stewart of Gar-

lies.[1] Somewhere about the same time the Adairs built a castle close to St. John's Chapel. No stone was to be procured in the neighbourhood; carts were unknown; hence it is said that men were placed at fifty yards apart, between the proposed site and a quarry near Kilhilt. The first man, receiving a stone from the quarryman, carried it to his neighbour, who in his turn passed it on, and so on along the whole line, each man returning his fifty yards for a fresh stone; and thus material was supplied. The gardens and orchards attached to this castle, and the "Chapel Fey" contiguous, form the site of the borough of Stranraer. The small tower still stands, but was long ago degraded to a prison, and has since further degenerated into a lock-up house. Towards the close of the century, it became the property of Kennedy of Ochterlure.

Of the Mures who had disposed of Craichlaw we have frequent notice in the criminal records of the day; and the case of one member of the family may be quoted as an instance of the variety, as well as seriousness, of the crimes of which a man of family, with a moderate command of money, might then be guilty, with but little inconvenience to himself.

Charge No. 1 against Patrick Mure is "for contempt done to the king in taking one callit Lang M'Kie furth of the stokkis, wherein he had bein placed by the Sheriff-depute for hurting a Spaniard."

Charge No. 2 is for "forethought felony done by the said Patrick to the said Sheriff-depute, Symon M'Cristine, in Wigtown, by chasing him with a drawn quhinzeare."[2]

Charge No. 3.—"Robbery of goods by the said Patrick from Andrew Mure."

Charge No. 4.—"Hereschip of five oxen from J. M'Clean."

Charge No. 5.—"Stealing a grey horse from Andrew Boyd."

[1] Adair Papers. This Alexander Adair, according to the Garthland Papers, married, secondly, Janet, daughter of Uchtred M'Dowall of Garthland. Adair is frequently written Edzar and Edgear.

[2] A dagger or *couteau de chasse*.

Charge No. 6.—"Stouthreif of five score sheep from Andrew Dunbar in Dirry in Mochrum."

Charge No. 7.—"For carrying off (place not named) ten bolls of victual and twenty score threaves of fodder."[1]

Charge No. 8.—"Theft from James Porter of ten score bolls of wheat."

Charge No. 9.—"Illegal and forcible occupation of the Laird of Bomby's farm, near Wigtown, for two years."

Charge No. 10.—"Spuilzying the annual rent of various lands belonging to the Laird of Bomby."

Charge No. 11.—"Forcibly occupying the lands of Andrew Dunbar, in Mochrum."

Charge No. 12.—"Breaking up the doors of Mr. Richard Aikenhead, vicar of Wigtown, and keeping him furth thereof;" and as an addition to this last charge, two men of the name of Thomas Mure and Nicholas Mure, all servants to the said Patrick Mure, are indicted for having cast the reverend vicar's servant, as well as his goods, over his own stair!

The clergy were not protected from plunder by the sanctity of their office. We find, among a long catalogue of delinquents, Patrick Vaux, a near relation of a former bishop, convicted of stealing six silver drinking-cups from the reverend father in God, David,[2] Lord Bishop of Galloway.

These examples, selected from a host of others, give us a strange peep into the ways of our ancestors.

Patrick Agnew appointed his relative Master Michael Agnew, and Symon M'Cristine, his Sheriff's depute. As to the judiciousness of the latter appointment, we leave our readers to judge.

This Symon M'Cristine, among many charges proved against him, was accused of "going forth of burgh in convocation to the place of Mertoune,"[3] and of making there a regular clearance of the premises—the indictment specifying the stouthreif of oxen,

[1] A threave was twenty-four sheaves.

[2] David Arnot.

[3] There were two Mertouns—one the residence of the chief of the M'Cullochs; the other—the one here referred to—in Penninghame parish, usually called, for distinction, Mertoune, or Myrtoun-M'Kie.

horses, and sheep, from John M'Kie; the forcibly taking away all the said John's bear and oats out of his barn; and the destruction of his barn-door.

Again the Sheriff-depute is charged with "hamesucken" in the house of John Kells, and "wishing to slay him:" (doubtless John Kells heartily *wished* to slay the Depute!)

Then he has to answer for the commission of a most ungallant offence, "cruelly beating a certain guidwife, named Acarsane," as well as sundry accusations of breaking the Acts of Parliament; in addition to which the said "John M'Cristine came in for the king's will for oppression done to the community of Wigtown, in taking the best merchandise out of ships coming to the said borough, and keeping the same in his own cellars!" A valuable Sheriff-depute!

Amidst all these disorders and local feuds, the summons to arms went forth from the capital; and the bright side of the feudal system now appeared. All minor jealousies and quarrels were forgotten on the instant. The chivalry of Galloway, hastily assembling in parties, according to their neighbourhoods, turned out to a man, and rode side by side like brothers towards the appointed rendezvous.

It is pleasant to think that many a manly hand grasped that of its neighbours by the way, in token of reconciliation after years of strife; for too many of these brave but lawless barons in a few days were destined to be known no more on the scenes of their former "forgatherings."

The issue of the campaign on which they sped was the fatal battle of Flodden. Here, where James IV. himself perished, with the flower of his nobility, the baronage of Galloway lost even more than their fair proportion of the national loss. Of the immediate connections and neighbours of the Sheriff, it seems as if almost all the heads of their respective houses were struck down, and that he alone survived to lament them. His brother-in-law, Gilbert M'Dowall of Freuch, fell there; so did Uchtred M'Dowall of Garthland, with his eldest son Thomas; and Charles M'Dowall of Logan. His uncle, Sir Alexander Gordon of Loch-

invar, lay on the bloody field, and beside him Sir John Dunbar of Mochrum (whose father had been killed by the same laird of Lochinvar), as well as Sir Alexander Stewart of Garlies, husband of Sir Alexander's sister. His cousin Alexander Adair of Kilhilt was also amongst the slain, as were his kinsmen Sir William M'Clellan of Bomby and Sir William Douglas of Drumlanrig; and there, too, died David first Earl of Cassilis, fighting in a worthier cause than a dispute as to baron courts.

"This sorrowful battell," says an old chronicler,[1] "was stricken and ended at Flodden Hill, the ninth day of September the zeir of God 1513 zeirs. James the Fourth unhappily slain in this manner, with many of his nobles, not by the wisdom and manhood of Englishmen, but by the king's own wilful misgovernance, who would take no counsel of his nobles. . . . But we will let him rest with God, and speak of his son James the Fyft."

By the death of Sir Alexander Gordon, the Sheriff's father-in-law Sir Robert, hitherto styled "of Glen," now became the head of the family of Lochinvar. Another of his daughters married Uchtred M'Dowall of Machermore.

William Gordon, third son of Sir John, and brother of both Sir Robert and Sir Alexander, received from his father the lands and castle of Craichlaw, acquired from the Mures in 1498.

Previous to this, about 1490, a branch of the Gordons established themselves in Kirkmaiden parish, at Clanyard (or Cloynard) Castle, the first of whom was Alexander Gordon, brother to Sir Robert.

The father of Sir John Dunbar, who fell at Flodden (himself also Sir John), acquired Mochrum in right of his wife. This requires a word of explanation. Sir John was second son of another branch of the family, the Dunbars of Westfield.

In the previous generation, Patrick Dunbar of Mochrum had had three daughters, co-heiresses. The elder inherited Cumnock in Ayrshire; the second, Margaret, married a kinsman (Sir John Dunbar), *who now continued the line of Mochrum;* and the third married Andrew Dunbar, another relative.

[1] Pitscottie.

The heiress of Mochrum, *Margaret*, having borne her husband, Sir John Dunbar, two sons (John, his successor, and Patrick who acquired Clugston), predeceased him; and he remarried Janet, daughter of Sir Alexander Stewart of Garlies. The issue of his second marriage were, Archibald, the progenitor of the Dunbars of Baldoon (who became Provost of Glasgow); Gavin, at this time Prior of Whithorn, and who eventually became Archbishop of Glasgow (thus overshadowing his elder brother the Provost); Marion, who married M'Clellan of Bomby; and Catherine, married to M'Clellan of Gelston.

Sir Alexander Stewart of Garlies, another of the slain, had been predeceased by his eldest son, usually known as Sir Alexander Stewart of Grennan. This younger Sir Alexander had married Elizabeth, daughter of Alexander Kennedy of Blairquhan, and by her left a son, Sir Alexander—who now succeeded his grandfather—and nineteen daughters,[1] of whom at least seventeen grew up and were married, six of them to lairds of Wigtown, viz.—

The eldest to John Dunbar of Mochrum; another to Hannay of Sorbie; one to Finlay Campbell of Corswall; one to Uchtred, son of Thomas, and heir to Uchtred M'Dowall of Garthland his grandfather (both of whom were slain at Flodden). Another was married some years afterwards to Andrew Agnew, the Sheriff's eldest son; and another to Alexander Adair of Cargie, a cadet of Kilhilt; and a seventh was married to Cairns, laird of Orchardtoun, the Sheriff's grandson, who was also connected with Wigtownshire.

The elder Sir Alexander (grandfather of Sir Alexander who now succeeded), was brother-in-law to Alexander Adair of Kilhilt, and one of his daughters had married Thomas M'Dowall, the young Laird of Garthland, who had fallen beside him.

We have been thus minute in these details because a knowledge of family connections is essential to understanding county history. The Stewarts, the Gordons, the M'Clellans, the Doug-

[1] Williams and the peerage writers say sixteen; but Symson, far the best authority, distinctly states that there were nineteen.

lases, and the Agnews, were very closely connected by intermarriages for upwards of 150 years. Of this connection we can trace the names of those who actually fell on the field of Flodden; but no lists were kept in those days of the wounded; and there is reason to suppose that the Sheriff himself, although he lived to return with a small band of surviving retainers, did not escape scatheless; as within a very few months he died, whilst yet in the prime of life, leaving his son, a youth under age, to succeed him.

He left besides this son Andrew, a daughter, Catherine, already married to Ninian Adair of Kilhilt; Margaret, married to William Cairns of Orchardtoun;[1] and Christina, married some time afterwards to Blaise M'Ghee.[2]

Patrick Agnew may be taken as a fair type of a Scottish hereditary official in 1500. As to law, he troubled himself little with studying the statutes. Custom was law to him, and he was not scrupulous in enforcing his supposed rights in defiance of any Acts of Parliament to the contrary. If an injury was to be redressed, or a friend to be assisted, he sprang into his saddle, and dealt out justice with his own good sword, caring little for the technicalities of law-courts; if attacked, he was ready to defend himself; if his cattle were carried off, he was quite capable of returning the compliment with interest. And such an assertion of the dignity of his office he doubtless considered necessary to sustain the traditionary status of a Galloway Sheriff![3]

[1] Orchardtoun is in the parish of Rerrick, on the shores of the Solway.

In a charter, dated 5th October 1527, we find that William Cairns, son of "William Cairns of Orchardtoun and Margaret Agnew his spouse," married in that year Joneta Kennedy.

[2] In the Great Seal Register there is a charter to Blasius Makgee of the lands of Egerness, dated 29th July 1525. And in August 1527, another charter of the lands of Egerness and Brochtounwall to the said "Blasius Makgee et Cristina Agnew, sponsa sua."

[3] Pitcairn passes a sterner judgment on our impetuous kinsman. He says—"The conduct of the Sheriff of Wigtown affords a melancholy picture of the state of society at this period (1513). The hereditary judge and highest legal functionary in the district appears to have vied with the most desperate of the border thieves in the commission of all sorts of crimes; expecting, doubtless, that his high official influence would sufficiently protect him."

CHAPTER XV.

THE FIFTH HEREDITARY SHERIFF.

There shall the lion lose the gylte,
And the libbards bear it clean away;
At Pinkie Cleugh there shall be spilt
Much gentil blude that day.

THOMAS THE RHYMER.

ANDREW AGNEW, the fifth hereditary Sheriff of Galloway, was invested formally in his offices and lands by mandate from the king, dated the 20th of May 1514, and addressed to "Magister Michael Agnew, vicecomes"—whom we believe to have been his uncle, and who, although a church dignitary, was also sheriff-depute. Nevin, Thomas, and William Agnew, all cadets of the family, were amongst those present at the service—Nevin and Michael being his guardians. Unless we are to suppose that "Maister Michael" possessed a gravity of character and demeanour not then considered essential to holy orders, the young Sheriff did not commence life under any advantages of tuition; his other guardian Nevin, though doubtless an accomplished horseman, and cunning of fence, was unlikely to try to instil into his pupil any strong desires for the preservation of the peace.

A spirit of turbulence was rampant in the country, the hereditary magistracy being themselves frequent disturbers of the peace; and considering the school in which the young Sheriff was bred, we cannot be surprised at finding his name frequently figuring in the defaulters' books.

In 1518, King James V. being about ten years old, the tutor selected for him was the Prior of Whithorn, Gavin Dunbar, brother of the Laird of Mochrum. For the honour of Galloway, it is pleasant to find that Dunbar discharged his responsible duty with credit, and that in after life the king took every opportunity

of evincing his gratitude to his old preceptor. In the treasurer's accounts for the year 1517 are the following entries :—

"16*th February*.—Geven to Maister Gawan Dunbar, the kingis maister, to by necessar thingis for the kingis chamer, ix. lib.

"*Item*, 28*th August*.—To Maister Gawan Dunbar, for expenses maid be him in reparating of the chamer in the quhilk the king lives now in the castell, iii. lib."

(The king, at this time at least, was not over-luxurious in his toilet arrangements.)

On the promotion of James Beaton to the primacy, in 1522, Gavin Dunbar was advanced to the See of Glasgow, and he held the office of Lord Chancellor from 1528 to 1543.

The first Earl of Cassilis had been succeeded by Gilbert, his eldest son, who married the Lady Isabel Campbell, daughter of the Earl of Argyll. His relations with his neighbours were more friendly than were those of his father, and both his daughters married Galloway lairds.

The Queen-Regent married the Earl of Angus, thus, according to the late king's will, terminating her regency; and her brother, the Duke of Albany, was proclaimed Regent in her stead; but he, disgusted by the strife of factions, soon retired to France. In 1521, however, he suddenly cast up in Galloway, landing at Garloche (?) where he was received with great joy by all the barons, who escorted him triumphantly on his way to Edinburgh. In a Parliament which he summoned in August of that year, it was resolved "that the king should give up his right of wardship in the case of the heirs of any man slain or hurt to death in host or army against our old enemies of England;" a most valuable concession, as previously the king enjoyed the whole free rents during the minority. It was also decreed "that in the case of tenants to any laird," if the father was killed on similar service, that their wives and children should enjoy their farms for five years at the same rent as was paid before, and without any fine or "gressome" on renewal.

Towards the close of the year bad blood was excited betwixt the Sheriff and some of the Vauses, which ended in a "tuilzie"

on their lands. The worsted party was a Churchman, who carried his case to the High Court of Justiciary, who issued a summons to the Sheriff to appear and answer to the charge; but he, like a true Galloway baron when in the wrong, allowed judgment to go against him by default.

The Lords of Session decreed as follows:—

"The Reverend Fathers in God, Gavane,[1] Bishop of Aberdeen, and Robert, Bishop of Ross; Cuthbert, Earl of Glencairn; Hew, Earl of Eglinton: the Venerable Fathers in God, George, Abbot of Halirood House; Alexander, Abbot of Cambuskeneth; James, Abbot of Dundrennan, etc. etc.

"In the action and cause pursued by Master John Wauss, parson of Wigtown, against Master Andrew Agnew, Sheriff of Wigtown; Patrick Agnew, son of Andrew Agnew; Nevin Vaus, son of Robert Vaus; Gilbert Hughan; John Reid; Nevin Agnew, etc., for the wrangous houghing, slauchter, and destructions of three of his oxen, being in his plough, tilling his maling of the Gallowhill, lying within the Sheriffdom of Wigtown, price of the piece £3; and for the wrangous laying of the said plough, stopping the labouring and tilling of his said maling, and hindering of the sowing of the same this instant year; and for the damage and scaith sustained by him therethrough extending by good estimation to the sum of £20; and the said Sheriff to hear and see the said Master John, his friends, tenants, and servants exempted by the Lords of the Council from the said Sheriff his jurisdiction for the cause foresaid; the said Master John being personally present, and the said Sheriff and his complices being ofttimes called and not compearing.

"The Lords of Council decree and deliver that the said parties have done wrong in the houghing, slaughter, and destruction of the said oxen, and that they shall content and pay Master John £3 for ilk ox, together with the sum of £20 for the damage and scaith sustained by him in the laying waste of the lands; and also decree that the said Master, and his tenants and servants dwell-

[1] This was Gavin Dunbar, son of Sir Alexander Dunbar of Westfield, Hereditary Sheriff of Moray, and uncle to Gavin Dunbar, the "king's master."

ing upon his Kirklands, be exempt from the said Sheriff, his officers, office, and jurisdictions in all civil actions, except the actions that Master John's baillie of the Kirklands may not be judge to.

"And ordains the said Master Andrew Agnew, Sheriff of Wigtown, to *make, depute, and send an unsuspect depute*, to be chosen with consent of Master John, to minister justice equally in their actions. (Signed) GAVINUS DUNBAR."

When such singular complications were added by the Supreme Courts themselves to the inherent vice of hereditary jurisdictions, we cannot wonder that the administration of justice was irregular and uncertain.

In 1526, an unusually large party of Galloway barons rode into Edinburgh to attend the Parliament, who gave an unfortunate notoriety to the session, from outrageous breaches of the peace.

Gilbert, Earl of Cassilis, Ahannay of Sorby, and M'Dowall of Freuch, were, with many other gentlemen, engaged in a fray, in which a Dutchman of distinction, as well as several other persons, were killed. We gather from the very slight notices of this mêlée preserved in the criminal records, that a regular fight took place in the streets, in which six or seven hundred persons must have taken part. The only records of the affray consist of respites granted to the attacking party, viz.—

"To William Lord Semple (to eleven gentlemen all named), and thirteen others, for the slaughter of Cornelius de Machetima, at the Tolbooth in Edinburgh;" and a second respite to "Gilbert Earl of Cassilis, Fergus M'Dowall of Freuch, M'Kie of Mertoune, Ahannay of Sorby, Alexander M'Dowall, tutor of Garthland, Kennedys (innumerable, thirty-four other gentlemen named), and two hundred and thirty-three others, for the treasonable slaughter of umquhile Cornelius de Machetima, in the time of seat of our Parliament, and also for the slaughter of Martin Kennedy and Gilbert M'Ilraith."

Within a few days after this battle the Laird of Lochinvar and his two nephews, the Sheriff of Galloway and Sir James Douglas

of Drumlanrig, were promenading the street, attended, according to the unfortunate fashion of the times, by a train of servants, all armed to the teeth. As they sauntered along they met, face to face, a rival band of Galloway lairds, with Sir Thomas M'Clellan of Bomby at their head. Between M'Clellan and the Laird of Lochinvar there was a feud of old standing; both must needs keep "THE CROWN OF THE CAUSEWAY," and a savage encounter ensued, ended only by the death of the Laird of Bomby, who was killed at the door of St. Giles's Church.

These violent doings occasioned a great sensation; but, strange to say, in this latter case, a respite was at once granted to the principal parties concerned, and no legal proceedings were ever taken against them; and long after the king issued a formal "remission to James Gordon of Lochinvar; William Gordon of Craichlaw; Andrew Agnew, Sheriff of Galloway; James Douglas of Drumlanrig; John Gordon, called John of Quhithorne; William Cairns, young laird of Orchardtoun, etc., for art and part of the slaughter of Thomas M'Clellane of Bomby, committed eleven years lately past in the burgh of Edinburgh,"[1] 13 Jan. 1538.

We may here be allowed to anticipate, and give a pleasant sequel to this tale of blood. The son and heir of poor M'Clellan fell in love with the daughter of the Laird of Lochinvar; his suit was not discouraged by her family; the lady consented; old Lochinvar invited the Sheriff, and other relatives on both sides, including nearly all the principals engaged in the fatal fray in Edinburgh, to the wedding-feast; and thus the tomahawk was buried.

As a curious appendage to the marriage-settlement, "Letters of Slains" were formally granted by "Thomas M'Clellan of Bombie, son and heir to Thomas M'Clellan of Bombie, deceased, to his father-in-law, Sir James Gordon of Lochinvar, and all his assisters, in the slaughter foresaid."

The Sheriff thus became connected with the family of Bomby, and not many years after his own son and heir married a younger

[1] Great Seal Register.

sister of M'Clellan's bride, and became brother-in-law to this Laird of Bomby, whose grandson was created Lord Kirkcudbright by Charles I.[1]

In 1527, Gilbert, second Earl of Cassilis, "ves killed at the Pow of Prestick, in Kyle, by Hew Campbell of Loudoun, Sheriff of Ayr, the 28th of December."[2] He was succeeded by his son, Gilbert, as third Earl of Cassilis. His eldest daughter, Janet, had married the Laird of Freuch; and his youngest, Helen, the Sheriff's nephew, William Adair of Kilhilt. Cassilis left also seven sons, of whom the third, Quintine, was the celebrated Abbot of Crossreagle; who, after his death, was canonized as a saint, for his services in holding a public disputation with John Knox respecting the sacrifice of the mass.

Young Gilbert, at his succession, was pursuing his studies at the university of St. Andrews; and there, while still a boy, he was obliged by Beaton, the archbishop, to sign the sentence of death pronounced against Patrick Hamilton, Abbot of Ferne, the first martyr of the Reformation.

This cruel act first disposed the young earl towards the reformed doctrines, which he himself soon after openly professed.[3]

These reformed opinions were making their way quietly in Galloway. The Gordons and Stewarts were both favourable to the movement; Gordon of Airds, their kinsman, had obtained a copy of Wickliffe's Testament; and this at a time when the possession of such a book exposed the owner to severe penalties. The Sheriff was intimately connected with both these families, the members of which are said to have had regular secret meet-

[1] There is in the Barnbarroch charter-chest a Precept (of this period) of Bailliary by William Maxwell of Tinwald to Stewart of Garlies, authorising him to collect his mails and duties in the lands of Monreith, and to deliver them at his house of Broughton; excepting the lands of Barmeal, "whilk he hath gotten till his son Herbert" (1525).

[2] Balfour.

[3] James Beaton, the Primate, unfavourably known as a persecutor, was in 1503 Prior of Whithorn, in 1508 Bishop of Galloway, 1509 Archbishop of Glasgow, and in 1522 was translated to St. Andrews. The archbishop's nephew, David—an archbishop also, and *Cardinal*—was the still more notorious person under whose sentence George Wishart suffered, 1st March 1546.

ings in the woods, where the Laird of Airds' Testament was read aloud, and the subject of religion eagerly discussed.

Gordon of Airds was known as "the Patriarch." He was brought up at Clonyeard, being third son of Alexander Gordon of Auchenreoch. At that time his *nom-de-guerre* was "*Sanie Rough*," owing to his gigantic size and strength. Early in life "Sanie" was sent across the Border to settle some family affairs, and whilst in England fell in with some of Wickliffe's followers, with one of whom he formed a friendship, and induced him to return with him to act as tutor in his family. He there managed to possess himself of his famous Testament, which he always carried about his person, expressing his resolution never to part with it except with life. "Sanie" became the father of an immense family, which in due course acquired for him the name of the Patriarch, and all of whom he embued with his own energetic zeal for the Reformation.

When the partizans of the Romish Church, growing desperate, accomplished the enactment of stringent laws for the observance of holidays, Airds set them all at defiance. An Act appeared that every beast of burden made to labour on such seasons should be forfeited. The Patriarch assembled a large party of friends upon Christmas day; he yoked ten of his sons in his plough, held it himself, whilst his youngest son acted as "caller," and thus he tilled a ridge of the land of Airds before the astonished group, defying either priest or layman to distrain his team.

Years rolled on, and the Patriarch grew grey. Grandchildren sprang up around him; they in their turn presented him with great-grandchildren, who also grew up to manhood, and still the brave old man flourished among them. A benighted traveller of gentle mien one evening craved the hospitality of Airds. He was courteously received by a youth, who referred him to his father. The father referred him again to his own father, and the stranger, as desired, accosted a grey-haired grandsire, who, to his complete mystification, quietly replied, "Sir, you must ask *my father*," referring him to the laird himself, who was seated in the old arm-chair.

On preferring his request to the great-grandsire, he at last received a gracious assent; but whilst he partook of the evening meal he could not divest himself of an ill-defined awe lest his hosts should be akin to the Gyre-Carling.[1] It was not until after supper that this feeling was entirely dispelled, and then, the whole household being assembled, family worship was conducted by the venerable Patriarch himself, with a simple earnestness which carried conviction that there could be nothing uncanny about himself or any of his progeny.

This grand old man attained the age of 101 years, having been born in 1479, and surviving to 1580. His son, John Gordon of Airds, married Elizabeth, daughter of Gordon of Blacket, and was commonly called "the Guidman of Airds;" his grandson, John, married Margaret Sinclair, co-heiress of Earlston, which designation he adopted; and the great-grandson (the first man hailed by the traveller in our story), was Alexander, nicknamed by his opponents the Earl of Earlston, whom we shall mention by-and-by.

Chalmers[2] and many writers of his school attempt to raise a sneer against the early promoters of the Reformation, by pointing to the records of violence and crime with which their names are connected; but the simple answer to such an argument is, that matters did not become worse by their change of faith; their lawless doings were in spite, not in consequence, of their religion. If their manners did not mend as rapidly as might have been hoped for, at least they were none *the worse* for shaking off many degrading superstitions.

Again, a want of toleration has been urged against them; and in so far as such a charge can be proved, no discreet friend should commend them. This and all other inconsistencies are things to be regretted; but this want of toleration was itself a legacy they had received from their religious opponents—a lesson which they had to unlearn—and it is incontestible that the ascendency of Protestant principles has always tended to remove this evil, and not to increase it. Our ancestors were but men.

[1] The Queen of the Galloway Fairies. [2] Author of *Caledonia*.

Doubtless much selfishness, and doubtless also ambition, were largely mingled with religious motives; but notwithstanding human imperfections, the movement was overruled by God for incalculable good to the nation; and we, their descendants, are under a deep debt of gratitude to those by whom it was originated amidst storms and strife, the quiet fruits of which we now enjoy.

It must again be repeated, that the records of the social habits of the fifteenth and sixteenth centuries exhibit our ancestors in their least favourable positions; almost everything of an agreeable character has been consigned to utter oblivion, whilst the dark catalogue of crimes stands uneffaced in the records of the courts of law.

It was now that the celebrated George Wishart preached the reformed doctrines on the confines of Galloway, upon which Cardinal Beaton wrote to Gavin Dunbar, urging him to oppose the dangerous heretic. This commission the archbishop readily undertook; and on one occasion, when Wishart had been announced to preach at Ayr, he found his pulpit pre-occupied by the Archbishop of Glasgow.

Wishart upon this proceeded to the market-cross, and there "made so notable a sermon, that the very enemies themselves were confounded;" whilst the archbishop found that it was easier to occupy the poor Reformer's place than to imitate his eloquence. With all his eminence, Dunbar was not a very powerful preacher —if, indeed, he ever preached at all! and on this occasion the following amusing outline is given of his discourse:—

"They say we should preiche! Quhy not? Better lait thryve nor nevir thryve! Haud us still for your Bishope, and we will provyde better the next time."

This was the beginning and end of the archbishop's sermon, who hurriedly left the town of Ayr, but never returned to fulfil his promise.[1]

Although the worthy Gavin did not shine in the pulpit, he was nevertheless one of the most learned and agreeable men of

[1] Murray's *Literary History of Galloway.*

his time. Buchanan compares the enjoyment of an evening spent in his society to sipping ambrosial nectar with the gods. Yet the above sketch of his sermon, though drawn by an unfriendly hand, is probably a true one. The entire neglect of all ecclesiastical duties by all the clergy, high and low, was one of the greatest scandals of the day; and a contemporary poet, in a satire published in 1535, corroborates this very abuse, against which Wishart and the other Reformers were protesting, in the following dialogue :—

"*Pauper.*—Schir God, nor I be stickit with ane knyfe,
Gif ever our parsoun preachit in all his lyfe.
Parson.—Quhat devil raks the of our preiching, undoeht?[1]
Pauper.—Think ye that ye suld haif the teindis for nocht?
Scrybe.—Maister Parson, schaw us gif ye can preich.
Parson.—*Thocht I preich nocht, I can play at the caiche.*"[2]

In 1528 Gilbert M'Dowall of Freuch, with his clansman M'Dowall of Mindork, invaded Arran, and took, destroyed, and burnt the Castle of Brodick, belonging to the Earl of Arran. We know no other particulars of this daring expedition, excepting the result, and that the king issued a warrant ordering them to "find caution to underlie the law." But the Laird of Freuch was neither arrested, nor did he suffer any serious inconvenience in his goods or person, as he was at large for many years subsequently, and rendered himself notorious for his lawless and violent proceedings.

Soon after we find a Nevin Agnew—a worthy son no doubt of our former friend—again upon the stage, and the Sheriff becoming security for his kinsman, somewhat to his cost, as the Lords of Council decree, at Edinburgh, the 8th July 1532, "That Andrew Agnew, Sheriff of Wigtown, pledge and surety for Nevin Agnew, restore and pay to Dean Andrew Stevenson, Sub-Prior of Whithorn, and Vicar of Clayshant, the goods underwritten, spoiled and reft by the said Nevin and his accomplices furth of the kirkland of the said vicarage; that is to say—

"Twelve ky and oxen, price of the piece, 40s.

[1] What the devil matters it to thee, our preaching, blockhead?
[2] At ball.—*Satire of the Three Estates.*

"And as surety for John M'Ewen, in the parish of Leswalt, the said Sheriff shall restore and deliver to the said Dean the goods reft from him furth of his mansion; that is to say,

"Two horses, price of the piece, twenty pounds.
Four oxen, do. ten pounds."

Some time before this, the Agnews of Lochnaw had bestowed a small croft, on the site of the famous chapel of St. Mary, or Kilmorie, on one of their retainers named M'Meikan. The original charter has been lost, but a charter of renewal by this Sheriff, of as old a date as 26th January 1526, still exists, which narrates that, "Duncan M'Maken, in Salquharrie, resigns into the hands of his superior lord, the Honourable Andrew Agnew, Sheriff of Wigtown, the croft of St. Mary in Salquharrie, lying in the parish of Kirkcolm: whereupon the said honourable man givis seizing of the same to Gilbert M'Maken, son of Duncan, with the pertinents—viz., eight *sums* of cows, one mare, one chicken, one goose, with their sequels, reserving to the said Duncan his liferent thereof—the said Gilbert paying to his said superior lord one penny Scots money at the Feast of the Purification of the Virgin, if asked only."

This is worthy of note, because in 1684 Symson mentions that there was "of old a chapel called Killemorie, now wholly ruinous, within a little croft possessed by a countryman John M'Meikan, called ordinarily by country people the laird, he and his predecessors having enjoyed the same for several generations." And now, another 200 years having elapsed, this most respectable family still exist in the "Laird's Croft," and possess the very well to which, within the memory of the present generation, as of old, "people used superstitiously to resort to fetch waters for sick persons to drink." In 1684 they used to "report that if the person's disease be deadly, the well will be so dry that it will be difficult to get water; but if the person be recoverable, then there will be water enough."[1]

Uchtred M'Dowall of Garthland having died, was succeeded

[1] Symson's *Large Description.*

by his son John, who afterwards married Margaret, daughter and one of the co-heirs of Finlay Campbell of Corswall, the Sheriff's brother-in-law. By her, on her father's death, John M'Dowall acquired one-half of the barony of Corswall.[1]

M'Dowall of Logan at this time being a minor, his wardship was granted by the king to Dean David Vaux,[2] Abbot of Soulseat, and by him it was assigned to his kinsman, John Vaus of Barnbarroch. To this arrangement the other dignitaries of the Abbey demurred, and the commendator got into collision with the abbot; and both parties appealing to the crown, the matter was referred by the king, who wrote to the Sheriff as follows:—

"James, by the grace of God, King of Scots, to our Sheriff of Wigtown, greeting: Forsameikle as it is shewn to us by our lovit John Vauss of Barnbarroch, whereas umquhile an honourable father in God, Dene David Vauss, Abbot of Salseat, having to him by our gift the ward of the lands of Logan; and he having made the said John his assignee thereto; yet, nevertheless, the (incumbents)[3] of our said Abbey trouble the said John in brooking of the said ward lands. Our will is, and we charge you straightly, that incontinent these our letters seen, ye call baith parties before you, and take cognition in the said matter, and do them justice in the said matter, notwithstanding the serial time of harvest now instant.—Given under our signet at Edinburgh the 19th day of August, and of our reign the twentieth year" (1533).

We have reason to think that the Sheriff decided in favour of the Laird of Barnbarroch; but John Vaus did not enjoy his wardship in peace, as he was soon after interfered with by Fergus M'Dowall, Laird of Freuch, a very awkward customer to

[1] There is a charter under the great seal of Queen Mary, to John M'Dowall of Garthland, and Margaret Campbell, his spouse, of the half of the barony of Corswall, in the Sheriffdom of Wigtown.

[2] In 1528, a venerable father in God, David Vaux, is named as coadjutor and successor to Quintin Vaux, Abbot of Soulseat; and under date 1531 there exists an obligation by Henry M'Culloch of Killaster to infeft David, Abbot of Soulseat, in the land of Drumbradden, to be held of his "*ower Lord the Laird of Mertoun.*"

[3] The word not distinct.

deal with. Among the Barnbarroch papers is one by which the attorney for John Vaus in 1536 requires Fergus M'Dowall "to remove from all occupation of the lands of Portnessock," belonging to the barony of Logan.

In 1535, by Acts of Parliament, all lords and barons having property in burghs, as well as the burgh officers, were recommended to ascertain that the innkeepers had "honest chalmers and bedding" for their guests; also good stabling sufficiently provided "with corn, haye, and *straa* for horse;" and that they were prepared to provide "flesh, fish, breade, and aile, with other furnishing for travellers, at a reasonable price."

Also, "for the common weell of the realm," it was enacted, "that all manner of persons having stud places within the realm have the same furnished with brood mares and great stallions for furnishing horse to all manner of persons." Good! but how were the Sheriffs to enforce it?

And again, the spirit of landscape-gardening awakening these senators to a sense of the bleakness of their country, they reenact:—

"For policie to be had within the realm, in planting of woods, making of hedges, orchards, yards, and sowing of broom; that the acts passed before be kept and observed, *with this addition*, that every man, spiritual or temporal, having a hundred pounds a year, where there is no woods and forests, do plant woods and forests, and make hedges and haning to himself, extending to three acres of land, above or under, as his heritage is more or less; and that they cause every tenant for every mark of rent paid for the land occupied by him to plant one tree. And that the very next season every man do begin and cause planting to be made, under penalty each laird of a hundred pounds, of ten pounds, and more or less, according to his income. Inquisition to be made in the matter yearly, and the fines to be raised by the sheriff of the shire."

Another act again prohibited great persons from riding furth with more persons than they sustained daily in their households. Large retinues were prohibited, with this exception, "that it

shall be lawful for the Sheriff to ride with greater number for the execution of justice and forthbearing of the king's authority."

"In 1535," as Sir James Balfour quaintly tells us, "King Henry of England puts down the Pope's pride in England, suppresses monasteries and abbeys, and severely punishes the lubberly idle-bellied monks with divers kinds of death."

King James of Scotland, on the contrary, gloried in considering himself a true son of the Church; but that there was practically not much difference between the two sovereigns' ideas as to the legitimate uses of church property, appears from the sentence which follows:—

"This year King James gives to his four base sons the abbeys and priories of Melrose, Kelso, Coldingham, and Holyrood House."

Sir Alexander Stewart of Garlies, the Sheriff's brother-in-law, was sent as ambassador to the English Court about this time. He was highly distinguished both as a soldier and a statesman.

There being no less than eight Sir Alexander Stewarts in direct succession, it is not a little difficult to avoid confounding the various generations, for their identification becomes necessary to couple each individual's name with that of his wife.

This said Sir Alexander Stewart had married first Catherine, daughter of Sir James Crighton of Cranstoun-Riddell; and secondly, Margaret Dunbar, heiress of Clogston, by whom he had Alexander his heir; John, usually styled Parson of Kirkmahoe; and a daughter Margaret, married to M'Kie of Larg.[1]

The king, in 1536, set out incognito for France in search of a wife, taking with him, among others, Sir James Gordon of Lochinvar. Before his departure he granted Sir James a writ under the Privy Seal, by which his nephew the Sheriff, and several other connections named, *were "exempted from answering to courts of any sort for any misdemeanour whatever during the king's absence."*

[1] This daughter is erroneously stated by all the peerage writers to have married "Andrew Agnew of Lochnaw, Sheriff of Galloway;" whereas he married her aunt, whose name, moreover, was Agnes, as is proved by charters in possession of the family.

This extraordinary and very acceptable exemption to a Galloway baron was not, however, singular; for William Stewart, Bishop of Aberdeen, being dispatched on an embassy in connection with the same matter, received a similar deed by which a few of his immediate friends obtained a like immunity from justice until the king's return, among whom were the Sheriff's two brothers-in-law, the Lairds of Garlies and of Sorby, and also John Vaus of Barnbarroch. Let us hope that the many relationships arising from the marriages of the nineteen fair maidens of Garlies secured the harmony of the county during the king's absence in spite of such direct premiums on disorder.

The royal knight-errant's course was not suffered to run smoothly. Having encountered with his companions a succession of storms, and half circumnavigated the island, he was fain, after many a day's weary tossing on the deep, to put into the Isle of Whithorn, where, to the satisfaction of the lieges, he was obliged to land—the ship being pronounced unseaworthy—and was escorted by his Galloway vassals to Ayr, whence he crossed the country, and again sailed for France, with better success.

The feud between the Kennedys and Agnews was now permitted to slumber. Gilbert, the third Earl of Cassilis, the friend and pupil of Buchanan, was a mild and accomplished man.

This does not imply that he had no local quarrels in his hands, for in 1536 Fergus M'Dowall had to underlie the law for coming upon John Dunbar of Blantyre, *with the Earl of Cassilis*, "assaulting him in the town of Ayr, and wounding two and mutilating three of his servants." Fergus M'Dowall was the Earl's brother-in-law; for whom again, in 1538, on the 17th March, we find a "respite to Fergus M'Dowall of Freuch, for having of forethought felony encompassed the cruel slaughter of John M'Culloch"—the Earl of Cassilis becoming surety for his appearance when required.

An Act of Parliament of 1537 contains a singular caution to sheriffs generally:—

"That it be eiked in all deliverances to sheriffs, and other

judge ordinaries, that they admit to the parties their lawful defences, and minister *justice equally to both parties.*"

Another Act of the same Parliament suggests some of the inconveniences of the military gatherings of those times. Its title is—

"That the *army of Scotland be unhorsed*, except great Barons.

"Anent the manner of coming of our sovereign lord's lieges to war, horsed and unhorsed, the king's grace understands that great hurt, scaith, and damage is done in the coming of multitude of horsemen, through destruction of corn, meadows, and harrying of poor folk, and also the great impediment made by them in the host where all fight on foot; and therefore hath ordained that no manner of man have a horse with him, but be ready to go on foot from the place that pleases the king's grace to assign to be the first meeting of his army, except a carriage-horse only; and if any man come there on horseback, or bring his horse with him, that he immediately send the horse home again with a running-boy, and with no fencible man, or one able to bear arms, on pain of death.

"Provided always that this Act shall not extend to earls, lords, barons, and great landed men, but that they *shall* pass on horseback wherever the king's grace moves with his armies."

The men of Galloway were particularly pointed at in this order. The true Gallovidean was born a dragoon, and though always ready to turn out on "*the eel-backit din*," foot-service was highly distasteful to him; so much so that frequent Acts, passed at intervals extending over several centuries, set forth the difficulty of organizing the infantry quotas of the Galloway militia. These facts evidence a state of greater wealth there than is usually supposed to have existed. The efficiency universally ascribed to the Galloway cavalry necessitates the conclusion that they must have been well mounted, well armed, and tolerably well fed.

Stringent instructions were sent now, as before, to all the sheriffs, particularizing the arms and appointments to be carried by the various ranks in society; keeping up with the improvements in military weapons—that never-ending source of national anxiety!

The reports of the "weaponschawings" were ordered to be more minute. Every earl, lord, and baron coming to the "weaponschawing" was to bring with him a written list of the retainers accompanying him, and each of these parade-states were to be entered by the Sheriff "in ane buike, with the manner of the harness and weapons;" which books, being carefully prepared, were also to be signed with his own hands, and to have his proper seal attached to them, and then to be sent by the Sheriff to the king.

"Every earl, baron, and knight was to be armed in white armour, light or heavy as they please, and weaponed effeirand to their honour;" all others were to have "jackkis of plate, gorget, steel bonnets, and every man a sword, beside other arms;" the choice of which was restricted to "spears, pikes, stark lang of sex elnes in length, Leith axes, halberts, hand-bows and arrows, cross-bows, culverins, and two-handed swords."

In glancing over these statutes, the eye is attracted by the praiseworthy brevity with which they are drawn, many of them being comprised in a single sentence, couched in words which admit of no misconstruction; thus,—

"It is statute and ordained that gif ony person persues ane other, that the tiner of the pley payes the winner's expenses."

During 1540, the Sheriff and other Scotsmen owning Irish properties were disquieted by the news that Henry VIII. had assumed the title of king of Ireland; "whereat," says Balfour, "King James somewhat grumbles, yet keeps himself quiet in respect King Henry makes no use of this title for expelling the Scots from their inheritance there."

The fact was, that neither the one king nor the other was able to exert any sensible authority there; hence such proprietors as had been able to maintain their estates there hitherto, continued to do so still.

In the autumn of 1542 occurred the inglorious "Solway Rout," by which many of the Sheriff's Galloway kinsmen were left prisoners to the English. If he himself was present he was fortunate enough to escape, although his father-in-law, his wife's

brother, and many other of his nearest relatives, were among the captives.

We gather from the English official report "the names of such Scotch pledges and prisoners as was taken syns this warre first begoun, with an estimate of their values and estimation.

"*The Larde of Garlies*, of an hundred pound land and more, and of good estimation: his pledge, his son and heyre, with the Earl of Lennox for two hundred and six.

"*The Larde of Orchardtown*, of ten poundis lands: his pledge with Sir William Calverly for one hundred and twelve.

"*The Laird of Lochinvar*, a man of two hundred merks lands, and in goods better than a thousande poundes: his pledge, his cousins, two of them with my Lord Scrope, and one with Lord Conyers, for fourscore and fifteen each.

"*James Maclellan*, tutor of Bomby, a man of good estimation and small living: his pledge, his son and heyre, with Dr. Bransby for ane hundred and fifty-one.

"*Abbot of Salsyde*, his house of a hundred pounds yearly: his pledge, his son and heyre, for twenty."[1]

The next year the Laird of Garlies was released, on giving his "son and heyre," Alexander, as mentioned above, as a hostage.

In a letter to Lord Shrewsbury, the Earl of Lennox writes:—

"I have received the king's majesty's letter from your Lordship this Monday, being the 13th day of the month, commanding me to certify your Lordship in writing of the names of all such prisoners and pledges as I have in my custody, declaring in the same what manner of men they be, wherefore they be whose prisoners they are, and of what worthiness, substance, 'haviours they be.

"My Lord, truth it is, at my first journey to Dumfries upon the West Marches of Scotland, there came into the king's majesty's service, by my procurement, the most part of the Lairds of Gallowaye; such as the Laird of Garlies, the Laird of Lochinvar, and tutor of Bomby, who I brought with me to

[1] Talbot Papers.

Carlisle, where they did enter their pledges unto Lord Wharton, being the Lord Warden of the West Marches; and forasmuch as the Laird of Garlies is my near kinsman, also of my surname, I did take in my custody, by my Lord of Somerset's lesens, only the laird's son, being of the age of sixteen years, whose substance I do not know perfectly, but by my judgement his father may spend fifteen hundred merks Scots, which is all I can certify your lordship in the matter; and thus I bid your good lordship most heartily farewell.

"From the king's majesty's castle of Wressel, the 13th day of January (1545). Your lordship's assured lowyn frend,

"MATTHEW LENNOX." [1]

The young Laird of Garlies here mentioned, a youth of great promise, early embraced the reformed doctrines, and was amongst the most conspicuous of those who attended the ministrations of the followers of Wickliffe. A charge was consequently laid against him by the clergy, that he had encouraged and abetted one of these heretical preachers at Dumfries. Young Garlies, instead of apologising for, or denying his presence at these services, at once admitted that he most certainly had attended; and as to the preacher, he boldly added, "that he would avow him, and that he would defend and maintain him against *them, or any, or all other kirkmen* that might be put at him."

Startled at the unusual tone thus taken in their own court, the churchmen, having a wholesome awe of the "brankit" lairds of Galloway, pocketed the affront, having thus unintentionally strengthened the hands of the reformers by the result of this trial.

The Earl of Cassilis, although his name does not appear in the list quoted from, was also among the Solway prisoners. He was carried to London and there committed to the charge of Archbishop Cranmer, by whom, and by Bishop Ridley, he was confirmed in the reformed doctrines to which he was already well disposed.

[1] Talbot Papers. Wressel Castle was in the East Riding of Yorkshire.

Another prisoner was Lord Maxwell, the Stewart of Kirkcudbright and Warden of the Western Marches; he was ransomed in the following year; and immediately on his return, moved in his place in Parliament, 15th March 1543, "That it sall be leful to all the lieges to haif the Holy Writ, to wit, the New Testament and the auld in the vulgar tongue, in Inglis or Scottis, of ane true and good translation." On this startling proposition being made, our old friend Archbishop Dunbar at once entered his earnest protest against it; but Lord Maxwell's bold course was successful.

Many a good man was thus freed from the fear of penalties suspended over him. For the boon thus gained, the name of Robert, fourth Lord Maxwell, deserves well to be had in honourable remembrance in his native province of Galloway.

We quote a few sentences literally from a quaint deed, executed by the Commendator of Soulseat in favour of the Sheriff:—

"Us James by the permission of God, parson of Johnstoun, Commendator of the Abbey of Soulseat, etc., grants us . . . to haif setten to our lovit Andro Agnew, Sheriff of Wigtoun, Agnes Stewart his spouse, ye langer liver of them twa, and to Patrick Agnew sone and aperent ayr to the said Andro . . . their airs, executors, assignees, subtenants, cottrals, and undersetters, ane or ma of lower degree nor yame . . . a half of the lands of old extent of Olbrick, lying in our Baronie of Drummastoun . . . as it lyes in length and breid, in houses, biggings, feylds, lesurs,[1] pastures, moss, medow, and with common pasture, with all and sundry other commodities and pertinents quhatsoever, far and neyr," etc., "with power to the said Sheriff, Agnes Stewart his ladye, his son," etc., "to input and output cottrals and undersetters who are to remove and change as oft as salbe thocht expedient by the Andro Agnew and Agnes Stewart, etc., for the sum of fyve merks good and usual money of the realm of Scotland, at the usual terms of the yeir in equal portions.

[1] Lesur—almost synonymus with pasture—

"In lesuris and on leyis litill lammes
Full tait and trig socht bletand to their dammes."—Douglas's *Virgil.*

"In witness whereof we have appended the common seal of our said abbey to thir letters of tack, together with our subscription manuals of us and our said convent, at our abbey of Saulset ye xiiij day of ye month of February, the year of God 1543, before their witnesses—Master Gilbert Johnstoun, Roger Johnstoun, Andrew Agnew in Kylstay, Sir Andro Quhyit, Michel Murray, notar."[1]

In 1544 the English army, landing in the Forth, burned the monastery and palace of Holyrood, when it is supposed that the bulk of the records of chancery were destroyed, and among them all the "inquests" prior to this date, which might have thrown considerable light on county history.

The Sheriff's uncle, the Laird of Lochinvar, seems to have endeavoured to compensate himself for the heavy ransom he had to pay to his English captors, by various raids across the English frontier. But soon he and his nephew were called from such relaxations to more serious work. In 1547 the Protector Somerset having invaded Scotland by land and sea, the fiery cross went forth, the bale-fires gleamed along the Solway, and the summons to arms was promptly answered by the men of Galloway. Forthwith the brave old Lochinvar marched for the scene of action; the M'Dowalls, the Stewarts, the Vauses, the Kennedys, mustered their retainers and hurried to the field. The Sheriff marshalled his followers on the green at Lochnaw, and gaily bidding adieu to his wife and little ones, he crossed his drawbridge for the last time, passed rapidly between the Court-knowe and the margin of the loch, and then descending Aldouran Glen, rode on to Innermessan, where he was joined by other bands accoutred for the fray, and whence all sped forward together for the north.

By forced marches they made for their rendezvous on the Firth of Forth, where in a wonderfully short time the whole Scottish levies found themselves in presence of the foe.

Here they manœuvred for a week or more, with every

[1] This James Johnstoun, also parson of Johnstoun, was Commendator of Soulseat as early as 1522, and about 1533 was succeeded by a person sometimes designed "*The Honourable Sir John Johnstoun.*"

prospect of success, till the morning dawned of a day long after to be remembered in many a mourning household as "Black Saturday." September was a fatal month to Scottish chivalry; the 9th of September was the anniversary of Flodden, and the 10th was thereafter to be of unhappy memory as the day of "*Pynkie Cleuch.*" Pinkie, like Flodden, was a battle lost by want of generalship. The action began to the advantage of the Scots, who, having the advantage of ground, repulsed an attack made by the English cavalry with heavy loss to their enemies.

Somerset was on the point of sending a flag of truce to sue for peace, when the impetuous Scotchmen madly rushed forward and sacrificed all the advantages of their position; their squadrons, being raked by the cannon of the English fleet, became disordered, and a bold flank movement led by Angus being unhappily mistaken by the foremost divisions for a retreat; a panic ensued, and in the very moment of victory all was lost. The guns from the English ships then told with deadly effect on the flying masses. The English cavalry charged in among the crowd; discipline prevailed over ill-directed valour, and the Englishmen pursued the discomfited Scotchmen for miles, quarter being seldom given or asked for.

Ten thousand at least fell in the rout, and among them the flower of the Galloway baronage. Here the gallant Sheriff met a soldier's death, and near him, in "the fallow fields of Inveresk," lay his uncle, Sir James Gordon of Lohinvar; his kinsmen the Lairds of Garthland and Freuch; and John Vaux of Barnbarroch; as well as his near neighbour John, the Laird of Bennane, and David Kennedy his son.[1] "The dead bodies," says an eyewitness, "lay as thick as a man may notte cattell grazing in a full plenished pasture."[2] Few men of note survived to collect their scattered vassalage, and return bearing the melancholy tidings to the west.

[1] John Kennedy left, by Marion Kennedy of Dalquhornail ("ane aires portioner of Carlton"), his wife, an only daughter Katherine, heiress of Bennane, who, on the death of her father and grandfather, succeeded to the heritable office of Sergeandry and Mair of Fee of Carrick. In 1560, she married Hew, second son of Sir Thomas Kennedy of Bargany, by Margaret, daughter of Sir Hew Campbell of Loudoun.

[2] Patten's *Expeditione.*

CHAPTER XVI.

THE SIXTH HEREDITARY SHERIFF.

Of Scotland weill the friars of Faill
The limmery lang hes lastit,
The monks of Melros made gude kaill
On Fryday when they fastit.

AT Monkton-Hall, on the 8th of September, two days before the battle of Pinkie, "the lord governor, and all the noblemen, barronnes, freeholders, and gentlemen, being convened and assembled together to pass forward for defence of this realm," met in solemn parliament, and "devised, statute, and ordained, that gif it shall happen, as God forbid, ony earl, lord, baron, freeholder are to be slain, that their heirs shall freely have their own wards, reliefs, and marriages in their own hands, to be disponed upon as they shall think expedient."

By virtue of this last parliamentary act, at which his father had assisted, Patrick, Andrew Agnew's eldest son, was infefted into his father's lands and offices; and instead of having the profits of his estates enjoyed by some needy courtier (to whom also in an ordinary case he would have had to pay a heavy avail of marriage as well), he received on the 5th of January a special mandate from the queen, dated 20th December 1547, addressed to Gilbert Agnew of Croach, the Sheriff-depute, and to George M'Culloch of Torhouse, setting forth that Andrew Agnew, Sheriff of Wigtown, had fallen fighting under the royal standard at the battle of Pinkie,[1] and directing them to give him instant pos-

[1] "Compertum est quod quondam Andreas Agnew, Vicecomes de Vigtoun, pater Patricii Agnew latoris presentium obiit ultimo vestitus et sasitus ut de feode ad pacem et fidem nostram sub nostro vexillo in campo juxta Pynkecleugh, decimo die mensis Septembris ultimo elapsi de totis et integris terrarum de Lochnaw," etc.

session of his rights; and by another mandate, dated 1550 (he being then of "lawful age"), his uncle John Dunbar of Mochrum, and William Gordon, younger of Craichlaw, gave him heritable state and seizing of the lands his forefathers had held under the Church.

The first judicial act of the young Sheriff was to preside at the service of his kinsman the young Laird of Garthland, son of his father's comrade. Crawford has this notice in his MSS.—

"Uchtred, John M'Dowall's son and heir, is retoured at Wigtown before Patrick Agnew, the High Sheriff of the county, upon the last day of February in the year 1548, as son lawful and nearest male heir to John M'Dowall of Garthland, his umquhile father, who was slane at Pynky-cleugh.

"The young man's age is dispensed with (that is to say, he does not become a royal ward by virtue of the Act of Parliament passed at Monkton-Hall just before the armies engaged)."

The Laird of Garthland left also another son Gilbert, Vicar of Inch, and two daughters, Helen and Florence, married respectively to the Lairds of Logan and Freuch,—so that these three powerful barons, whose clanship had not always prevented serious misunderstandings, were now all closely united as brothers-in-law.[1]

About 1550 the Sheriff married Janet,[2] daughter of his great-uncle Sir James Gordon of Lochinvar, whose sister Helen had married Sir Thomas M'Clellan of Bomby; another sister Margaret had married Sir William Douglas of Hawick (whose grandson was created Earl of Queensberry), and the youngest of

[1] There is among the Garthland Papers a discharge by Patrick M'Dowall of Logan to an honourable man, Uchtred M'Dowall of Garthland, of a part of the sum of six hundred merks promised to the said Patrick in name of tocher with Helen M'Dowall, now his spouse. Dated Garthland, 19th November 1568.

[2] The Sheriff granted a charter to Janet Gordon, his spouse, of the lands of Salquharry for her dower, dated 17th August 1550. This Janet is erroneously stated in Douglas's *Peerage* to be Countess of Glencairn, widow of William, sixth earl. The ages of the parties, and the fact of William, Earl of Glencairn, having lived long after the ascertained date of the Sheriff's marriage, render this statement impossible.

the family, Elizabeth, some time after was married to his neighbour Ninian Adair of Kilhilt.

Gavin Dunbar, Archbishop of Glasgow, had died in 1547, and the see was allowed to continue vacant until 1550, a circumstance highly favourable to the spread of the reformed doctrines. John M'Brair, a canon of Glenluce, became an influential preacher of Protestantism during this interval; till John Hamilton, Archbishop of St. Andrews, happening to make a visitation in the west, soon made a vigorous search for this "apostate heresiarch of the name of M'Brair" (as he graciously designed him); and at last found him out under the protection of Lord Ochiltree, where he had him arrested, and lodged in a dungeon in Hamilton Castle.[1]

It is pleasant to be able to add, that this evangelist of Glenluce was soon after rescued by John Lockhart of Barr, "a stout gentleman," and that he escaped to England; the effect of his mission being very considerably increased by the sympathy which his persecution had excited.

The Acts of Parliament, passed in 1551, give an interesting insight into various ordinary habits of the day. Thus we find that firearms had now come into common use. A statute relating that

"The wild beasts and wild fowl are banished from the use of firearms in the chase, wherethrough the noblemen of the realm can get no pastime of halking and hunting, as in times bypast: Wherefore, it is enacted, that whosoever of our Sovereign Lord's lieges, of whatsoever degree, that shall take in hand to shoot at deer, roe, or other wild beasts, or wild fowl, with half-hag, culverine, or pistols, shall suffer death, and confiscation of his goods. And that whosoever shall apprehend any persons so doing, and deliver them to the Sheriff, shall have the goods so forfeited to his own use, and be otherwise rewarded according to his labours."

[1] "John M'Brair, a gentleman of Galloway, a canon of the Augustinian Monastery of Glenluce, embraced the doctrines of the Reformation, and became an influential evangelist in the West-land."—Lorimer's *Scottish Reformation.*

Lord Ochiltree was a determined reformer. One of his daughters married Kennedy of Bargany; the other, John Knox.

Again, a sumptuary law regulates the prices of various good things:—

"Henceforth, no Bordeaux wine shall be bought at a price dearer than twenty pounds a tun; and no Rochelle wine at more than sixteen pounds, then to be retailed at ten and eight pennies the pint respectively." And those wines coming by the West Seas were not to exceed sixteen and thirteen pounds (the Bordeaux and Rochelle wine), and to be retailed at eight and six pennies the pint. Forestallers were accused of having concealed and adulterated their liquors, "to the great apparent danger and sickness of the buyers, and to the great peril of the souls of the sellers;" and hence, taverners or others, mixing old and new wine, adding water, or adulterating in any way wine, in future, to forfeit their whole stock, "with tinsell of their freedom for ever."

"Wilde-meat and tame-meat, in all time coming," was to be sold at the prices underwritten; that is to say—

The crane, at five shillings; the swan, five shillings; the wild goose, of the great bind, two shillings; the claik,[1] quink,[2] duck, and rute,[3] at one and sixpence each; the plover, and small moor-fowl, fourpence each; the black cock, or grey hen, sixpence; the dozen of powtes,[4] twelve pennies; the quhaip,[5] sixpence; the cunning,[6] two shillings, unto the feast of Fastern's eve,[7] and thenceforth one shilling; the lapron,[8] twopence; the woodcock, fourpence; the dozen of lavrocks, and other small birds, four pennies; the snipe and quail, each, twopence; the tame goose, one-and-fourpence; the capon, one shilling; the hen, and poultry, eightpence; the chicken, fourpence; the gryce,[9] one shilling and sixpence.

In addition to regulating the price of these things, the Sheriff was also to see that the lieges used moderation in consuming them. Another Act sets forth, that "the superfluous cheer" used at the tables of both great and small, occasioned "death, dearness, and indigestion, which (last?) unfitted men for work;

[1] Barnacle.
[2] Golden-eyed duck.
[3] Rood goose.
[4] Poults or cheepers.
[5] Curlew.
[6] Rabbit.
[7] Shrove Tuesday.
[8] Young rabbit.
[9] Young pig.

and it is therefore decreed that, henceforth, no archbishop, bishop, or earl, have at his table but[1] eight dishes of meat;" that no "abbot, lord, or dean, have but six;" and "no baron but four dishes; and that no burgess, nor other substantial man, spiritual or temporal, have but three, and but one kind of meat in every dish."

The Sheriffs were instructed to use vigilance in enforcing these Acts, and to take inquisition of the breakers thereof, and roll their names. For every breach of the foresaid law, archbishops and earls were to pay one hundred pounds; abbots and lords, one hundred marks; barons, forty pounds; and burgesses, and other substantial men, twenty marks; "and, if any small person shall presume to act, he be taken and punished in his person, and in his goods."

The only two occasions on which these stringent provisions might be relaxed were marriage-feasts, at which the nobility, spiritual and temporal, barons, provosts, and baillies of boroughs (but none below them) might provide unlimited good cheer; and (for the credit of their native land) the estates were pleased to add, that no part of the Act was to apply to banquets made to strangers of other realms.

Another Act related that the dearth of sheep, coneys, and wild meats, daily increased, and that "none of the lieges should presume to bring lambs to market; and that no lamb should be slain in the country on any pretext, excepting what the noblemen and barons required in their own houses to their meat, and this for the space of three years; and that none should take in hand to kill levrets, or poults of pertricks,[2] excepting gentlemen and other nobles with hawks."

But all these stringent Acts appear to have been to little purpose; for in 1555 they had all to be re-enacted; "for the eschewing of the dearth of sheep," which, it was then said, "daily increases; and that no lambs are to be slain within the realm"—no exception being made in favour of the privileged classes—

[1] Only, more than. [2] Young partridges.

under a threat of confiscation of all goods, or punishment of the person, at her Majesty's pleasure.

The entire population of Galloway was at this date predisposed to the Protestant cause.

An early indication of popular feeling is to be found in songs of the period; many of which are very witty, and all abounding in cutting satire against the vices of the churchmen.

An old quarto of this date, entitled, "Ane Compendious Booke of Godly and Spiritual Songs," had a large circulation in the country, was received with great zest by all classes of society; and many of these are so quaint, especially as religious exercises, that we have copied two as specimens of the whole,—

A SPIRITUAL SONG.

1.

"The Paip, that pagan full of pryd,
He has us blinded lang;
For where the blind the blind do gyde,
No wonder both goe wrang.
Like prince and king,
He led the ring
Of all iniquitie.
Hay tricks! trim goe tricks, under the greene-wod[1] tree!

2.

"Bot his abominati-on
The Lord hes brocht to light,
His Popish pryd and threefold crown
Almost hes lost their licht.
His plake[2] pardones
Are bot lurdons[3]
Of new found vanitie.
Hay tricks! trim goe tricks, under the greene-wod tree!

[1] Wood.

[2] A farthing; the sense here is "not worth a farthing."

[3] Good for nothing; properly applied to persons: "a lazy lurdane," a Scotch phrase.

3.

"His Cardinalles hes cause to mourn,
His Bishops are borne abacke,
His Abbots got an uncouth turne
When Shavellings[1] went to sacke;
With Burges wifes
They led their lifes,
And fare far better than wee.
Tricks! tricks!! trim goe tricks, under the greene-wod tr

4.

"His Carmelites and Jacobinis,
His Dominikes had great adoe;
His Cordilier and Augustinis,
Sanct Francis' ordour too;
The silly Friers
For many yeirs
With babbling bleerit our ee.
Hay tricks! trim goe tricks, under the greene-wod tree!

5.

"The Cardinalle would not wed ane wife,
(The Abbot not perseuane,)
Thinking it was ane lustie life
Ilk day to have a new ane;
In every place
An uncouth face,
His lust to satisfie!
Hay tricks! trim goe tricks, under the greene-wod tree!

6.

"The blind Bishop he could not preich
For playing with the lasses!
The silly Frier behuisit to fleech
For almous that he assis;
The Curat his creed
He could not reid—
Shame fall the companie!
Hay tricks! trim goe tricks, under the greene-wod tree!'

[1] Ecclesiastics with the crowns of their heads shaved.

A GUDE AND GODLY BALLAD.

1.

"With huntis up, with huntis up!
It is now perfite day;
Jesus our king is gone a hunting,
Quha likes to speed they may.

2.

"Ane cursed fox lay hid in rox
This lang and mony ane day;
Devouring sheep, while he might creep,
Nane could him shape away.

3.

"It did him gude to lap the blude
Of young and tender lammis;
Nane could him mis, for all was his,
The young anes and their dammis.

4.

"The hunter is Christ, that hunts in heist,
The hunds are Peter and Paul;
The Paip is the fox! Rome is the rox
That rubbis us in the gall.

5.

"That cruel beast, he never ceast,
Be his usurpit power,
Under dispence to get our pence,
Our saullis to devour.

6.

"Who could devise such merchandise
As he had there to sell,
Unless it wer proud Lucifer,
The Master great of Hell!

7.

"He had to sell the Tantonie bell,
And pardons therein was,
Remissions of sins in auld sheepskins,
Our saullis to bring to grace.

8.

" With bulls of leid, white wax and reid,
And uther whiles of greene;
Closit in ane box, this usit the fox;
Sic peltrie was never seene.

9.

" To curse and ban the simple man
That nought had to flee the pain,
But when he had payit all to ane myte
He mon be absolvit then.

10.

" Kings to marrie, and sum to tarrie,
Sic is his power and mycht;
Wha that hes gold, with him will be bold,
Though it bee contrair to all rycht.

11.

" O blessed Peter! the fox is ane liar! (lee-er)
Thou knawis if it is nocht sa,
Quhill at the last, he sall be doune cast,
His peltrie, pardons, and a'."

Whilst indignation was directed against the follies and immoralities of the Romish priests, the reformers fell into the opposite extreme and decried all innocent diversions whatever.

Nothing appears to ourselves more injudicious than to attempt to defend the obvious mistakes of these truly good men; the first leaders of the Reformation would have been more than human had they escaped all errors. If we therefore allude to their failings as matters of fact, it is from no want of sympathy with themselves or with their cause.

Up to this time the game of "Robin Hood" had been celebrated regularly in May, always upon a Sunday or Saint's day. The whole urbane population, in Galloway as elsewhere, turned out to some neighbouring field, and chose a Robin Hood and Little John; two worshipful baillies were often selected! and then some stereotyped scenes in the famous outlaw's life were acted—many respectable citizens joining as performers, to the great delight of the whole community.

Jack in the Green also arrived at the proper season; and at Christmas time "An Abbot of Unreason" (the Scotch representative of the English "Lord of Misrule") appeared upon the scene, and played his part.

The reforming party would have done well had they applied themselves to enforcing a more decorous observance of the Sabbath; and might with great propriety have introduced an Act forbidding these diversions upon Sundays; but in place of this they passed an Act by which such amusements were forbidden on every day alike; and the sheriffs were commanded to see that "sic unprofitable sports be utterly cried down. That in all time coming no manner of person be chosen "Robert Hude," nor Little John, nor Queens of May, within boroughs; the choosers of such to tine their freedom for the space of five years, and be otherwise punished at the Queen's grace's will, and the acceptor of sik-like office *to be banished furth of the realm.*"

"And if any women, or others about Summer-trees, singing, make perturbation for skapie[1] of money, or otherwise, they shall be *taken, handled, and put upon the cuck-stules.*"

The same parliament, in a very unprotestant spirit, also decreed that all insolent and evil-given persons, who, disregarding the laws of God and Holy Church, should eat flesh in Lent, and other forbidden days, to the great slander of the Christian people—should have their goods confiscated; "and gif the eaters his na gudes, their persons should be put in prison, there to remain a year and a day."

In 1554 a serious quarrel broke out between the Sheriff's uncle and his brother-in-law, the Lairds of Garlies and Lochinvar.

In the course of this feud Alexander Stewart, younger of Garlies, assisted by Michael M'Cracken, a burgess of Wigtown, joined in a fray in which Simon Gordon, a kinsman of Lochinvar's, was killed, and Ely Gordon, a servant of Simon's, was severely injured.

Sir John Gordon shortly afterwards assembled a party of his

[1] Extortion.

clansmen, among whom were the Laird of Barskeog, M'Kie of Largs, and M'Dowall of Machermore; and, guided by the wounded Ely, they entered M'Cracken's house, and fell upon the inmates with great violence, searching for M'Cracken himself in order to "kill him in revenge."[1] The parties in both attacks were severally summoned to underlie the law at the next Justice Aire at Kirkcudbright. Sir Alexander Stewart of Garlies became surety for his son.

The same year M'Culloch of Ardwell, and Finlay M'Culloch, were declared rebels at the horn for the cruel slaughter of Patrick Mure; and Sir James M'Culloch was summoned to answer to the charge of intercommuning with the said persons, they being rebels. Sir John Gordon became surety for them; and at the same time the tutor of Bomby, Michael M'Clellan, his brother, Godfrey M'Culloch of Ardwell, John M'Culloch of Barholm, and Richard M'Kie of Mertoun-M'Kie, were all required to find surety to answer various charges to be laid against them at the next Justice Aire at Wigtown; and again Sir John Gordon became answerable for the parties.

The Sheriff, accompanied by his uncle the Laird of Garlies, and the Laird of Mochrum his cousin,[2] rode into Edinburgh in the winter of 1555, when he settled his accounts at the exchequer. This process was not an agreeable one; as, although sheriffs had shares themselves in the fines for which they were obliged to account, yet they must often have been under the necessity of giving long credit to those fined, and had in the meantime to accept the responsibility.

The sums are surprisingly large, and the whole transaction is a curious one; a certain David Carnegie appearing to have purchased the debt from the treasurer, he receiving bond for a larger sum from the Sheriff, on which, under certain contingencies,

[1] Pitcairn's *Criminal Trials*.

[2] This Sir John Dunbar was son of the Sheriff's aunt, Nicolas Stewart, and by his wife Elizabeth, daughter of Mungo Mure of Rowallan, had a daughter Grizell, his heiress, who married her kinsman, Alexander Dunbar of Conzie, and carried on the line.

he might realise a large profit. A formal deed was executed by the Sheriff to this effect:—

"Be it kend till all men, me, Patrick Agnew, Sheriff of Wigtown, to be bound and straitly obliged to Master David Carnegy, Parson of Kinnoull," who "has relieved me at the hands of John, Archbishop of St. Andrews, treasurer for the time, of the sums following—viz., £389 : 6 : 8, resting-owing by me in my counts made in the Chekker-rolls, the year of God 1553, and of the whole sums contained in the Book of Respondie owing by me since making my said count unto the tenth day of April 1554 years. Therefore I bind me, my heirs and assignees, and with me John Dunbar of Mochrum and Alexander Stewart of Garuleis, cautioners and sureties for me, conjointly and severally, to pay to the said Master David £210 usual money of Scotland, betwixt the day of the date hereof, and the first day of September *nextocum*, but longer delay.

"And if we fail in making thankful payment thereof at the said term, I and my sureties oblige us to pay to the said Master David the whole sum of £389 : 6 : 8, of which he has relieved me.

"Provided always, that gif the said John, Archbishop of St. Andrews, give any discharge subscribed with his hand after the date hereof to any person of any part of the said sum of £389 : 6 : 8, the same to be allowed to me, the said Patrick, as for payment.

"I and my sureties subscribed this with our hands at Edinburgh, 6 February 1555 years."

In 1557 the Warden of the Western Marches issued a summons to the Galloway barons to assemble on a certain day for a foray across the borders. A few of those thus "trysted" failed to appear, and had to underlie the law at a Justice Aire, on the charge of "*Abiding from a Warden Raid.*"

Among the absentees were Alexander Stewart of Garlies, John Dunbar of Mochrum, and John Jardine of Applegarth; and these were called upon to show good cause for their abiding from the "army ordained to convene at Lochmaben stane."

Each gave in an excuse, all much to the same effect—viz., "Alledged that at the day of Trew he raid to the water of Annan to have past forward with the Wardane; and that the water was so great that he might not ride it without danger of life."

The pleas were admitted.

The young Sheriff and his brother-in-law Lochinvar appear to have managed to cross the flood. This, however, was only to be expected, seeing that this said Sir John Gordon was the identical young Lochinvar, the favourite hero of border romance, of whom Lady Heron is said to have sung, that—

> "He stay'd not for brake, and he stopp'd not for stone;
> He swam the wide Esk where ford there was none!"

In 1558, Andrew Durie, the Bishop of Galloway, died, and was succeeded by Alexander Gordon (a son of the Master of Huntly by a natural daughter of James IV.). He has the distinction of having been the first Protestant prelate in Scotland, and was one of the four ministers appointed to advise with the council when the Protestant leaders formed the association known as "the Congregation," which suspended the queen-mother from her office of regent.

One of the last of her Majesty's acts was the granting the following letter of very doubtful validity, although under the royal signet, relieving the Earl of Cassilis from the jurisdiction of the Sheriff. It proves that the old feud was still smouldering on, although we have no record of its having lately broken violently out:—

"ANE EXEMPTE FOR THE EARL OF CASSILIS AND HIS DEPENDANTS FROM THE SHERIFF OF WIGTOWN.

"We, understanding that thair standis sum variance, discord, and unkyndness, betwix oure cousing, Gilbert, Earl of Cassilis, his kin, friendis and servandis on that ane part; and our Schiref of Wigtoun, his kin, friendis and servandis on that uther part, quhairthrow he and his Deputtes may be na jugeis competent to thame in ony action concerning thame: Therefore, We, for eschewing of grettare inconvenienttis, be thir presentes exemes

our said cousin, his kin, friends, allies, tenants, servants and partakers fra our said Schiref and his Deputes, thair jurisdiction, office, and power, anent any action concerning them als weill criminal as civil in time coming induring our will; charging therefore our said Schiref and his Deputes that they desist and cease fra all calling, persewing, or proceding upon any action concerning our said cousin, his kin, friends, allies, tenants, servants or part-takers either criminal or civile in time coming ay and quhill they have command of us in the contrair; discharging them utherwayes of all proceedings thairintill, and of their offices in that part during the said space, notwithstanding any commission of justiciar given or to be given by us in the contrair to our Schiref; anent the quhilk we dispense in so far as concerns the premises by thir presents, given under our signet, and subscrivit by our dearest mother Marie, quene dowriare and regent of our realm. At Edinburgh, to the yeir of God one thousand fyve hundred and fifty-nyne years, and of our reign the 2d and 18th years. MARIE R."

This Earl of Cassilis was Gilbert, the fourth earl; his father, Gilbert, the third earl, and the most eminent of all his predecessors, had died suddenly the previous year, while engaged on a foreign mission at Dieppe. It was strongly suspected that he had been poisoned. He left, besides his successor—whose "discord and unkyndness with the Sheriff" is recorded above—Sir Thomas Kennedy of Culzean,[1] and a daughter Catherine, married to Patrick Vaus second son of John Vaus of Barnbarroch, by Janet, daughter of Sir Simon M'Culloch of Myrtoun. (Patrick Vaus, in 1568, succeeded his elder brother Alexander, and was afterwards knighted; and, being made a Senator of the College of Justice, was styled Lord Barnbarroch.)

[1] Of old the Castle of Culzeane, or "the Cove," was for 250 years in possession of another branch of the Kennedys, co-existent with the main branch. This is evidenced by various ancient documents, and by the arms on the ruins of this castle. Primrose Kennedy of Drummellane, descended from a younger son of this ancient house, is now the representative of the old Kennedys of the Cove.

A document extant, of the year 1559, proves that even at this date articles of luxury were occasionally imported into Galloway. It also shows the difficulties against which commerce had to struggle. Before the merchant vessel referred to was allowed to sail, the Laird of Lochinvar became bound, in presence of the Sheriff, to the amount of a thousand pounds for the good conduct of the captain.

This bond bears, that, "Forasmuch as the Regent has granted to Patrick M'Blane, John M'Cracken, Alexander Hannay, John Hannay, William Gordon, John M'Alnanche, and John Wauss, burgess of Wigtown, a passport and testimonial that they are true and obedient subjects to our Sovereign Lord and Lady, and sua may saiflie pas to ye ports of France, and use leifful trafect and busines but truble or impediment.

"Therefore me, John Gordon of Lochinvar, becomes caution and security for the said persons, that they shall bring their goods and merchandise which they shall happen to bring furth of the realm of France, and the ship wherein the same beis furit,[1] to the port and haven of Wigtoun, so that our Sovereign Lord and Lady's true and obedient subjects sall be furnesit y^r. w^t. upone y^r. expenss," and that the said persons shall not traffic nor change any of their said goods with any persons that have rebelled against our Sovereigns and their authority: Obliging me and my heirs "yat giff ye said persons doiss in ye contrar of ye premiss," to pay to the said princes the sum of a thousand pounds money of this realm.

"Before Patrick Agnew, Sheriff of Wigtoun; Master Robert Stewart, and John Stewart, witnesses. At Edinburgh, the 13th January 1559. (*Sic. Subr.*) LOCHINWAR."

In August 1560, Lochinvar being a lord of the Council, the First Book of Discipline was drawn up. By desire of the Parliament also, in which the Laird of Garlies played a prominent part, the Protestant Confession of Faith was formally adopted;

[1] Is carried. We have much abridged this letter, and generally modernised the spelling.

and, in pursuance of this new church polity, a commission from the General Assembly, headed by John Knox, visited the churches in Galloway.

During the twenty years preceding this era, great severities had been exercised by the priesthood against the early converts of the Reformation; now the tables were turned; and on the 19th of May 1563, we find the Archbishop of St Andrews himself, and forty-seven others, summoned to underlie the law for celebrating mass and attempting to restore Popery.

The archbishop failed to appear; but most of the others surrendered, and pleaded to the various charges made against them. (We only concern ourselves with the Galloway lieges.)

Malcolm, commendator of Whithorn, Sir Thomas Montgomery, and Sir William Taylor, were accused of ministering and abusing in their pretended manner, indecently and irreverently, the sacraments of holy kirk, in the month of April, at the place of Congilton (Cruggleton). The Laird of Lochinvar, John Dunbar of Mochrum, and Gavin Dunbar of Baldoon, sat upon the assize. The defendants were all found guilty, "and in respect of their confession of the same," were sentenced "to be put in ward within the Castle of Dumbarton."

The sheriffs and lords of regality were urged to put "in execution with all rigour" the laws "anent witchcraft," which were now promulgated.

No manner of person was to take in hand to use any manner of witchcrafts, sorcery, or necromancy; nor to give themselves out to have any craft or knowledge thereof; nor to "seek ony help at onie such users or abusers foresaid," under pain of death, as well against the user as the seeker of the response.

The detention on various occasions of many of the principal Galloway barons in England had at least one good effect, as it brought them into contact with a more advanced civilization than prevailed at home; and, as a result of this, a visible improvement was observable in the immediate precincts of their castles; and about this time gardens and orchards began to take their place as "institutions" in the country. Even the

farmers, though bestowing little thought upon flowers, occasionally introduced new varieties of esculents into their "kail-yards," the cultivation of which was considered the especial duty of their wives. It is laid down by a contemporary author,—

"In the begynnynge of March, or a lyttell afore, is time for a wyfe to mak her garden, and to gette as many good seedes and herbes as she canne, and especially such as be goode for the potte and to eate; and as oft as nede shall requyre, it must be weded or els the wedes wyl owergrowe the herbes."[1]

The Sheriff during this reign suffered much from the piratical inroads of the Western Highlanders upon his estates, bordering on the Loch of Larne; complaints also were made of the vessels of Galloway merchants being plundered by native chiefs when trading to Irish harbours. On a representation from the Sheriff, Government applied to the English queen for some compensation for the latter, praying "that speedy restitution and redress be made to William Wauss, John Martin, and William Gordon, merchants of Wigtown, whose ships and goods have been seized and spoiled by Shane O'Neill and others in Ireland . . . and especially in the case of a cargo plundered in the haven of Carlingford by the said Shane and Ferdonough Magenis." Queen Elizabeth was graciously pleased to acknowledge this, and enclosed the particulars of the complaint of the merchant-burgesses of Wigtown to the Lord Justice; and further, in a letter under the royal signet, dated 9th January 1565, she commands Sir T. Cusacke "to deal in the matter."[2]

The following notice is the docket on the back of a deed embodying a contract entered into by Patrick Vaus, afterwards Lord Barnbarroch, with the monks of Glenluce.

"Charter by Thomas, Abbot of Glenluce, and the convent thereof, in favour of Patrick Vaus of Cascrew of an annual rent of five dozen salmon yearly, to be taken by him furth of the reddest and best salmon out of the fisheries on the water of Luce,

[1] Copied from the *Scottish Farmer*.

[2] Letters calendared in the State Paper Office.

betwixt the Feast of the finding of the Holy cross or beltyme, and of Peter in Chains or Lammas; and this in consideration of three hundred pounds Scots."[1]

At this date, Sir Nicholas Sante Marie Agneau (the Sheriff's kinsman—although now so distantly related that the families had almost ceased to count relationship), being chamberlain to the king of France, was appointed governor of Grandville, and of the Island of Chaussee, which office became hereditary in his family, and was held for many generations.

[1] In Barnbarroch charter-chest. The abbot was Thomas Hay, founder of the House of Park.

CHAPTER XVII.

THE SIXTH HEREDITARY SHERIFF.

> The tide is now turned, let us drink th'other pot,
> And merrily sing—gramercie good Scot.

In 1566, the Prior of Whithorn assisted at the baptism of the young Prince Royal, James; he had therefore obviously been released from his "ward in Dumbarton Castle." The following year, after Darnley's murder, the Galloway baronage generally signed the bond for supporting the authority of the prince as king, in opposition to his mother.

When, however, Mary effected her escape from Lochleven Castle, these same gallant lairds, touched by the misfortunes of their beautiful queen, as unanimously resolved to assist her notwithstanding. The lairds of Lochinvar, Garlies, Lochnaw, Mochrum, Bomby; the Abbots of Soulseat and Glenluce; the Bishop of Galloway, and doubtless many more, flocked with their retainers to her standard. So general was the movement that they outnumbered the Regent's army; but these knights-errant were so hot-headed and wayward that no sooner were they within sight of the Regent's army than they imprudently joined battle without order or concert, and suffered a total defeat.

A characteristic incident has still to be told. The day was irretrievably lost, but not so the *presence of mind* of the Galloway contingent. Passing at once to the rear, they appropriated all the spare horses of the other divisions, and remounting themselves on the best, they easily distanced their pursuers, amongst whom their former friends now fraternised with their foes! A small body-guard of these cool cavaliers still accompanied the queen in her flight towards the Solway, whilst the remainder made their way home with all convenient speed.

The Regent Morton entered Galloway the following June from the eastward; and Lochinvar refusing to make his submission, he spoiled and fired Kenmore Castle, as well as several other strongholds in the Stewartry; Dumfries had yielded upon his approach. The Wigtownshire barons were saved by distance from an immediate attack; and, finding the queen's cause hopeless, they soon yielded a tacit obedience to the existing authorities.

The sovereign, or feudal superior, had, in those days, a full right to the rents of all lands owned by minors, subject only to maintaining their buildings and parks in as good condition as they received them. Where the vassal held of the crown, the wardship was often bestowed on some court favourite. The person so appointed was in duty bound to propose a suitable partner to his ward; and if the person so offered was accepted, the superior received the "avail of marriage"—usually two years' free rent of the minor's lands; but if the person thus offered was not accepted—always supposing the person proposed was of suitable rank—then the superior had a right to claim a "double avail;" which, according to custom, was three years' clear rents. We have before us an instance: Alexander Vaus, Laird of Barnbarroch, died, leaving an only daughter. She being under age, and a ward of the crown, a gift of her marriage, as well as the wardship of a part of her lands, were given to Sir John Bellenden of Auchinvole.

Sir John proposed for her choice the elder sons of four neighbouring barons; one of these, the Sheriff's son, was but a boy. How far the ages of the others were suitable, we cannot say; but this we know, that, doubtless much to Sir John's gratification, the lady refused them all: upon which his attorney drew up in due form—

"An instrument quhaire Helene Vauss refuissit ane marriage, conform to ye King's gift.

"At the Lochwood, the 6th day of September 1568, and of our Sovereign Lord's reign the first year: Whereas, Sir John Bellenden of Auchinvole, Knycht, was Donator; and had, by

gift of our Sovereign Lord, the ward of all and haile the lands of Drumlargane, within the parish of Kirkyner and Sheriffdom of Wigtoun, pertaining to umquhile Alexander Waus of Barnbarroch, and now through his decease pertaining to our said Sovereign, until the lawful entry of heir of the said Alexander being of lawful age . . . . together with the marriage of Helene Vaus; with power to the Donator to dispone thereupon at his pleasure.

"James M'Clellan, procurator for Sir John Bellenden, passed to the personal presence of Helen Waus, and gave the said Helen to choose whether she would marry one of these four persons underwritten, *equal to her in living and blood;* that is to say—

"*Uchtred M'Dowall,* son and apparent heir to William M'Dowall of Garthland;

"*Andro Agnew,* son and apparent heir to Patrick Agnew, Sheriff of Galloway;

"*William M'Culloch,* son and apparent heir to Symon M'Culloch of Mertoun;

"*John M'Culloch,* son and apparent heir to John M'Culloch of Torhouse.

"Ye quhilk personis ye said Helene refusit to tak ony of them in marriage. Quheirfoir, ye said Procurator protested in the Donator's name, for the double and trible of her marriage.

"Upon which, the said James M'Clellan asked ane instrument, done about twelve hours at noon, day, year, month, place, and year of our Sovereign Lord's reign, above written."—(Before various witnesses.)

Shortly after this, Helen Vaus was forcibly carried off by Alexander, a younger brother of M'Kie of Myrtoun (M'Kie). She does not appear to have much resented this rough wooing, and accepted M'Kie as her husband. He, however, did not succeed in possessing himself of all her lands; her elopement as a ward invalidating her title.

In 1573, a family arrangement was concluded, and, by post-nuptial contract, Alexander M'Kie consented to receive two thousand merks as tocher, in full of all demands; and both Helen and himself formally renounced all claims to the Barn-

barroch estate, in favour of the lady's uncle, Patrick Vaus, afterwards Lord Barnbarroch.

In the State Paper Office, a very fiery summons from the Regent Lennox to the Sheriff of Galloway, for some cause of it unknown, has been preserved.

"James, be the grace of God, King of Scots, to our lovite, Gilbert M——, greeting: Our will is, and with ye advice and consent of our dearest cousin, Matthew, Earl of Lennox, etc., our lawful subject and Regent to us, our realm and lieges, we charge you straitly, commanding that you by our letters and authority command and charge Patrick Agnew, Sheriff of Galloway, Hew Kennedy of Chappell, Master Patrick Vaux of Barnbarroch, Thomas Bailzie of Little Duraggit, Andr^w. Bailzie of Dunraggit, Alexander Gordon of Craig (law), Thomas Hay, Abbot of Glenluce, Archibald Kennedy of Sinriness, William Kennedy, son of the Laird of . . . Quiddam (?), M'Culloch of Ardwell, M'Culloch of Killeser, to compear personallie before our said dearest Goodsir and Regent, and Lords of our Secret Counsell at Air, upon the 20th of March instant, to answer sik things as sall be laid to yr charge, under the pain of tressone.

"With certification to them gif they failzie, ye said day being bipast, they shall be repute, halden, estemit, demenit and persuit with fire and sword, as traitors and enemies to God, us their Sovereign Lord, and native country; with all extremitie in example of (others nȝn[1]) attending to justice. As you will answer to us thereupon, the quhilk to do we grant you commonalty and severally our full power by this our letter, delivered by you, duly execut and indorsat again to the bearer.

"Given under our signet, and subscribed by our said dearest Goodsir and Regent, at Ayr the 11th day of March 1567.

"And sic subscribitur in forma— MATTHEW, Regent."

Endorsed.

"The charge of Lennox upon certain barrones and gentlemen in Galloway" (1571).[2]

[1] Almost illegible, as are several names.

[2] This paper is calendared "A Summons to the Sheriff of Galloway, 1671; and

A very few months after this, Sir Alexander Stewart, younger of Garlies, accompanied the Regent to Stirling. On the 4th of September, Lennox was unexpectedly attacked; and although Stewart fought gallantly in his defence, he was taken prisoner and afterwards slain. Sir Alexander himself was struck down by the Earl of Huntly and the Laird of Buccleuch, and killed upon the spot. History records him to have been "a brave and gallant young gentleman, the great hero of the king's party;"[1] and his untimely fate was long mourned in Galloway. He had been knighted at the marriage feast of Darnley and the Queen; and married Catherine, daughter of William Lord Herries of Terregles, by whom he left a son and heir, and a daughter, Agnes, who afterwards married Sir Andrew Agnew of Lochnaw.

We insert below a few sentences from a sermon preached about this time by Gordon, Bishop of Galloway. John Knox had for the moment fled from Edinburgh, and the bishop's sermons were, it is said, more acceptable to the queen's party than those of the stern reformer. The object of the prelate's discourse was to enforce the doctrine that, guilty or not guilty, the queen was equally entitled to the prayers of the well-disposed; and his treatment of the subject is so original, that it deserves a place as a literary anecdote of the church in Wigtownshire in the sixteenth century. It certainly shows a marked improvement in the style of preaching prevalent since Archbishop Dunbar's famous sermon was delivered, forty years before. The bishop begins thus—

"Good people! my text is this, of Faith, Hope, Love, and Charity, written in the thirteenth to the Corinthians; for, of Faith proceeds Love, and of Love, Charity, which are the wings to Hope, whereby all Christian men should enter in the kingdom of Heaven, where I pray God we might all goe!

"Now, brethren! may I not speir at you in what place in this poor realm is Faith and Hope and Charity resett, and gif they be authorised among the three estates? Na, brethren!

at this time Lennox was regent; nevertheless, the figures 1567 are very plainly written; the date on the back appears more modern. No doubt it was a clerical error.

[1] Cott. MSS.

Na! Is Faith or Hope amongst our nobility? How many lords has kept their promise upon their side or ours? Yea, few or none. Why then let us goe to the second estate; has the spirituality observed the precepts? Or then the third estate, is their Faith or Love among you burgesses?

"I would wish you inhabitants of Edinburgh to send for your ministers and cause them to pray for the queen. All sinners ought to be prayed for; gif we pray not for sinners, for whom should we pray? seeing God came not to call the righteous but sinners to repentance. St. David was an adulterer; *and so is she!* St. David committed murder in slaying Urias for his wife; *and so did she!* But what is this to the matter? The more wicked that she be, the more her subjects should pray for her, to bring her to the spirit of repentance; for *Judas was a sinner*, and gif he had been prayed for he had not died in despair!"

Gordon, who retained the title of bishop, which was merely honorary, was allowed to act as commissioner in his old diocese, but was suspended in 1568, on the charges of "not visiting kirks, haunting the Court too much, procuring to be one of the senators of the College of Justice, and of the Privy Council; and of having resigned Inchafray in favour of a young child, and getting lands in feu in prejudice of the kirk."

Of the other church dignitaries in Galloway, Thomas Hay, Abbot of Glenluce, like his suffragan, early became a convert of Protestantism, and received from the crown a feu of the lands of Park. He was second son of Hay of Dalgetty, and married a daughter of Kennedy of Bargany.[1]

The Commendator of Soulseat adhered to the Romish faith. On the 12th of May 1572, serious charges were brought against "John, Commendator of the monastery of Saulsyde, and his

[1] There is extant a Latin letter from Queen Mary and her husband Francis, dated Amboise, 22d March 1559, to Cardinal Sermoneta, requesting him to ask the Pope to confirm Thomas Hay as Abbot "de Glenluce, alias Vallis Lucis Cistertien, ordinis; per obitum ven. quondam Prioris Jocabi, illius ultimi Abbatis nunc vacan."

brothers, of spuilzie, having burned several houses, of spoiling goods out of the same, and other crimes."

And on the 26th of June, this same Sir John Johnstone, Commendator of Soulseat, is "delatit for ministration of the mass and the sacraments in the Papistical manner."

The Commendator of Whithorn was sorely shorn of his accustomed dues, as by a grant dated 1567, Lord Fleming, the great Chamberlain of Scotland, received a gift of the rents and profits of the priory of Whithorn. The castle of Cruggleton now belonged to the monastery of Whithorn, and here the commendator was living in 1569 when he was threatened by an attack from Lord Fleming, who meditated taking possession of the old stronghold by force. The Regent Moray, on being apprized of his intentions, took energetic steps to oppose him, writing at once to Patrick Vaus, the most powerful baron in the neighbourhood:—

"Traist friend, after maist hertlie commendatione, we understand that certain futemen and horsemen are presentlie cum in Galloway, convenit be the Lord Flemming quhilks intends now already assieging the house of Crugiltoun, pertaining to our brother the Commendator of Quhithorne. And sin the attempat is sa manifest, and committat under the time of commoning, we pray you maist affectuuslie as ye will ever shaw us plesour and guid will, that with all possible diligence ye convene your kin, freinds, and servands, and all that will do for you; and relieve our said brother of the said assiege, and pursue the authors thereof with all hostilitie.

"For the quhilk ye sal have sic warrand as ye will think reassonable. And this we assurittlie rekkon for at your hands as ever ye will deserve our guidwill and kindnes.

"Thus we commit you to God.—At Edinburgh, the 23d of April 1569, in haist, your assurit freind,

(Signed) "JAMES, Regent.

"*To our traist freind, the*
Laird of Barnbarroch."

Of the issue of this affair we have no record; but although

the Commendator of Whithorn was probably maintained against Lord Fleming's attack, the church soon after lost both lands and castle; the church-lands being gifted to the Sheriff, and the castle and pertinents to the Laird of Barnbarroch.

It is said traditionally that under the monks as superiors, the heirs of the old family of Kerlie lived for several generations in the stronghold which had once belonged to their family, and in the inquests there is a service in 1583 of John M'Carole in Cruggleton Castle, heir of William M'Carole in Cruggleton, his uncle, a burgess of Whithorn.[1]

On the 5th of March 1574, the Regent issued a proclamation "anent Wapenschawings," ordering the sheriffs to enforce rigidly the old Acts of Parliament by which these were commanded to be held on the 20th of July and 10th of October all over the country "simultaneously, to the intent that none shall be furnished with the arms or weapons of their neighbours." And as the sheriffs had with reason complained that it was impossible for themselves and their deputes to superintend the numerous parades which were thus rendered necessary, as it was obvious that the lieges should not be compelled to travel beyond a reasonable distance, persons of note in each sheriffdom were named by the Regent to assist the sheriffs. In the Sheriffdom of Wigtown, Alexander Stewart of Garlies, and M'Dowall of Garthland, were detailed to assist the Sheriff-principal and his deputes.

The Sheriff's eldest daughter, Katherine, was married, in 1575, to the young heir of Larg. The marriage-settlements were signed at Wigtown, the 8th of October 1575, wherein

"It is agreed, appointed, and finally ended betwixt the honorable parties following, to wit—Patrick Agnew, Sheriff of Wigtoun, taking burden on him for Katheren Agnew his daughter on the one part, and Patrick M'Kie of Large, taking

[1] June 20, 1853—"Joannes M'Carole in Crugiltoun Castell, alias in vulgari brotherson quondam Willielmi M'Carole, burgensis de Quhitern, proximior Agnatus id est consanguineus ex parte patris Margaretæ M'Carole, filiæ legitimæ junioris dicti quondam Willielmi M'Carole ejus patris."—Note in Paterson's *Wallace and his Times.*

the burden upon him for Alexander M'Kie his son and apparent heir, on the other part, in manner following; to wit, the said Patrick M'Kie of Larg shall infeft the said Alexander his son, and Katheren Agnew his future spouse in her virginity in all and haill the lands of Larg (and others) lyand within the Stewartry of Kirkcudbright, and Parish of Monygaff, to be holden of our Sovereign Lord the King's Majesty and his successors according to the said Patrick's auld infeftment.

"And the said Patrick Agnew obliges him his heirs and assignees to pay to Patrick M'Kie the sum of thirteen hundred merks in name of Tocher.

"And attoure gif it happens that the auld lady the foresaid Patrick's guid wife leiff after the yeirs of the said fynding, in that case the said Patrick M'Kie shall find Alexander M'Kie and his future spouse the ane yeir in his house, and the said Sheriff another yeir enduring her lifetime.

"Before these witnesses—Thomas M'Culloch of Torhouse, Patrick Vaus of Barnbarroch, Patrick M'Kie, James M'Kie in Corsbie. (Signed) PATRICK AGNEW.
PATRYK M'KIE of Larg."

The "auld lady" here mentioned was Margaret, daughter of Sir Alexander Stewart of Garlies, by Margaret Dunbar, heiress of Clugston. The expression "*guid*" is to be understood simply as an adjective, and not as her style, which was the "*Lady Larg Elder;*" the Laird of Larg being a free baron!

To the close of the following century, the house of Larg held a high position among the baronage. Symson writes of the "M'Kies of Larg, a very ancient name and family in this country; and hereabouts," he adds, "is a well called the *Gout*-well of Larg, of which they tell this story, how that a piper stole away the offering left at this well; but when he was drinking the ale which he intended to pay for with the money he had taken away, the gout seized on him, of which he could not be cured but at that well, having first restored to it the money he had taken away."

Immediately after his daughter's marriage, the Sheriff assigned by deed a "kindly roume" in Glenluce parish to his second son Patrick, to be held under the Earl of Cassilis, he paying yearly for the same forty bolls of meal. The charter is witnessed by Alexander Agnew of Croach, Gilbert Agnew of Galdenoch, Quintin Agnew, the Sheriff's youngest son, and Sir Herbert Anderson, notary-public.

In 1575 also, the Sheriff acquired in fee-simple the lands of Auldbreck, which he and his predecessors had long enjoyed as leaseholders under the church; he also received crown charters confirming to *him and his heirs for ever* the offices of baillie of Soulseat, and of Drummastoun, old jurisdictions over church-lands. Of the same date, transcriptions were made of various instruments of sasine of the lands of Dalzerran, Meikle, and Little Toung, Sheuchan, Marslaugh, Garchlerie, etc., in which the Sheriff had been infefted in 1550. All these lands and offices had been long held by the Agnews under the bishops of Galloway, who, it would seem, had now received notice to quit. The witnesses to these new deeds were "Master Patrick Vauss of Barnbarroch; Alexander Vauss, burgess of Whithorn; Nevin Agnew, and Gilbert Agnew of Galdenoch," with many more.

Soulseat, the most ancient monastery in Galloway, was an abbey of Præmonstratensian monks, so called from Prætmontre, their principal establishment in France. The priory was founded by Fergus, Lord of Galloway, about the year 1160; its abbot was the head of his order in Scotland; and to it the more famous priory of St. Martin's at Whithorn was subordinate. The origin of the name is disputed. It is usually given as the literal Soul's Seat, *Sedes Animarum;* others contend that it was so called from one "Saul," its first prior. It is usually spelt Saulsyde, but this proves nothing, as Saul and Soul are synonymous; it was also written Salsyde, Saulseat, Saulset, and Soulseat.

The monks followed the rules of St. Augustine; they wore a white cassock, with a rocket over it; a long white cloak, and a white cape; whence they were called "White Canons."

The abbey was built on a peninsula, in a small crescent-

shaped lake, in the parish of Inch, the water of which at certain annual periods is covered with a green scum, whence it was sometimes called, "*Monasterium Viridis Stagni;*" a name which has greatly puzzled many antiquarian authorities.

At the general assumption now made of church benefices, its revenues were returned as follows:—

Silver rent - -	£343 : 13 : 4
Meal - -	13 chalders, 4 bolls, 2 firlots.
Bear - -	7 ,, 8 ,,
Oats - -	6 ,,
Wax - -	One pound.
Capons - - -	Thirteen dozen and a half.

At the same date the Abbey of Glenluce had leased its lands and rights to the Earl of Cassilis for £666 : 13 : 4 per annum.

The said Gilbert, fourth Earl of Cassilis, was not a favourite in Galloway. He not only quarrelled with the Sheriff and most of his neighbours, but he rendered himself notorious throughout Scotland by the barbarous roasting of Alan Stewart, Abbot of Crossregal, in the "Black Voute[1] of Dunure."

An old historian speaks of him as "this last Gilbert, *ane particular man, and ane very greedy man,* wha cared nought how he gatt land, so he could come by the same;" and adducing, as especial proof of his assertion, the earl's transactions with the Abbey of Glenluce.

The earl, he tells us, was "in bloking" or bargaining with

[1] The Black Vault. This is an Ayrshire, not a Galloway story. We give a few sentences from the original MSS. in the Advocates' Library, of the deposition before the Privy Council, as quoted by Pitcairn:—

"Efter that the Erle espyed repugnance, and that he could not come to his purpose be fair means, he commanded his cooks to prepare the banquet. And so first they flayed the sheep; that is, they took off the abbot's clothes, even to his skin, and next they bound him to the chimblay, his legs to one end and his arms to the other; and so they begin to bait the fyre, sometimes to his buttocks, sometimes to his legs, sometimes to his shoulders and armes. And that the roast should not burn, but that it might roast in soppe, they spared not flambing with oyle. . . . . In that torment they held the poor man, while that oftymes he cried, 'Fye upon you, will ye ding whingaris in me, and put me out of this world, or else put a barrell of powder under me, rather than be demaned in this unmerciful manner.'"

the abbot to get the church-lands in feu on advantageous conditions, and had all but completed the necessary arrangements, when the abbot died, leaving the deeds unsigned. The earl, fearing his successor might prove less pliable, then "dealt" with a monk who could counterfeit the writing of all his brotherhood, who forged the required signatures, and the earl forthwith took possession of the lands. It did not suit, however, the king of "Carrick" to be thus in the power of a libertine friar; and consequently "*he caused a carle they called Carnochan to stick him.*" This done, he next wished that this carle should be able to tell no tales; and to this end he induced his uncle Bargany to accuse the man of theft, whereupon this "very particular" earl "gave Carnochan an assize" at his own court in Carrick, and hanged him there and then; and "*sa*," concludes the chronicler, "*the landis of Glenluce wes conqueist.*"

Earl Gilbert died the following year (1576), leaving a son, John, fifth Earl of Cassilis, whose affairs, during a long minority, were managed by his uncle, Sir Thomas Kennedy of Culzean.

We have already alluded to the piratical descents made on the north-eastern shores of Ireland, where much property was then owned by Scottish subjects. But about this time, in the north of Ireland, a daring freebooter appeared upon the scene, known as "*Sorly Boye*" (the Yellow Charles). This chief, whose real name was Charles Macdonnell, more methodical than his compeers, established himself firmly on the lands bordering the Lough of Larne; and although Queen Elizabeth despatched the Earl of Essex against him, he made good his possessions at the point of his sword. Upon this the English queen made a virtue of necessity, and accepted his submission, thus tacitly allowing him to hold the lands he had acquired at the expense of the Scots.

The Sheriff thus finally lost all his sea-coast property, retaining little more than a nominal possession of some of the more inland districts; nor did the Agnews ever recover Larne.

The following year, 1577, the Sheriff's eldest son, Andrew, married Agnes, daughter of Sir Alexander Stewart, whose

untimely death at Stirling we have already mentioned, and Dame Catherine Herries; the bride was given away by her grandfather in the presence of a large county gathering.

Her tocher was only a thousand merks Scots, for which Sir Alexander Stewart of Garlies made himself responsible—the Sheriff, upon his part, binding himself to infeft "Andrew Agnew, his son and apparent heir, and Agnes Stewart, his future spouse, in the lands of Dindinnie and Auchneel." The Laird of Garthland and Sir Patrick Vaus of Barnbarroch were among the witnesses to the marriage-contract.

In a letter,[1] dated the 12th of January 1577, a certain Hew Kennedy writes "to my speciall lord and master, my Lord of Glamiss, chancellor," making a very naïve complaint that the Sheriff of Galloway did not choose to be interfered with, and holding up the Cassilis family—the king of Carrick to wit!—as showing a better example of meek submission to those in authority.

"Concerning the feir[2] of the fermes within the Parochins of Inche and Leswalt, to the effect that payment should have been in readiness, I sent an officer to Leswalt in your Lordship's name . . . to haif proclaimed the same by ane writing, quhilk was taen fra the officer by the Sheriff of Wigtoun, and he discharged[3] the said officer to proclaim any feir there by word or writing; the quhilk I thocht good to advertise your Lordship of, for I know not the lyk done by any friend or servant of the house of Cassilis.

"I understand the said Sheriff *to mislike onything that may work by him*[4] in that countrey of Galloway, to the effect that he may haif things in use to his own commodities, which use he would be laith to be alterit of."

On the 20th October 1579, the first day of the session of Parliament, we find, "The suittes being called, compeired personallie the Schirreff of Wigtown;" when, among many other Acts passed by the Estates, "all gentlemen, householders, and others, worth three hundred marks of yearly rent, substantial

[1] Barnbarroch Papers. [2] Money of the dues. [3] Forbid.

[4] Be done without consulting him; "*by*" here means *without*.

yeomen, burgesses, etc.," were to "be halden to have an Bible and psalm-book in their houses for the better instruction of themselves and their families;" all persons holding the king's commission to search and try whosoever failed therein, and fine them ten pounds if not provided with the books in a year and a day.

Another statute was "for the stanching of masterful and idle beggars." All persons declared to be vagabonds, on their being apprehended and convicted as such before any holding the king's commission, to be scourged and burnt through the ear with a hot iron; the said prisoners, previous to conviction, to be kept in the stocks or irons.

And a fresh statute, recapitulating the Acts against destroying of growing wood, and burning of heather out of season, etc., classes with such delinquents "the stealers of bees;" and makes it lawful for all taken red-hand to be tried "by the baron," and those not taken in the act to be brought before the sheriff, who *besides* the "avail of the scaith done to the owner," might fine those convicted ten, twenty, and forty pounds, for the first, second, and third faults respectively; and if the defender had no goods, to put him in the stocks for eight and fifteen days, for the first and second fault, on bread and water; and for the third offence "ane moneth to lye in the stokkis as said is, and to be scourged at the end of the month."

After getting through an infinite variety of legislation, these senators harmoniously ended the session by the passing an Act requiring all provosts and baillies of boroughs within the realm to "set up ane sang school for instruction of the youth in the art of music and singing, quhilk is like to fall in great decay." This might be re-enacted with advantage to Galloway!

Some years before this a M'Dowall was slain by some of the Gordons, which resulted in a desperate blood-feud between these two powerful families. It occasioned much attention and scandal in the country, and notices of it are to be found in the family papers of both the M'Dowalls and Adairs.[1]

[1] M'Dowall MSS. Adair MSS. Both these MSS. quite agree, except in the matter of the Christian name of the Laird of Barjarg.

The year following, the feud broke out with increased violence, and, at a Justice Aire in 1579, Uchtred M'Dowall, younger of Garthland, was charged with "riding forth and convoking the lieges, bodin in feir of war,"[1] resulting in the "cruel slaughter of James Gordon of Barskeog." Andrew M'Dowall of Dalreagle, and George M'Dowall his eldest son, with many others, were concerned in the matter, and all were fined.[2]

The Laird of Garthland regularly organized his kinsmen and dependants for the chances of civil war; when these were all summoned together, Garthland Tower could certainly not have housed the whole party, who must have bivouacked about it. "The laird," says Crawford, "had not only his relations and cadets of the family retained to serve him, but even others of very good rank in the county bound themselves to him by obligations of man-rent."

This display of feudal power gained Garthland much credit; whom his biographer thus eulogises: "Uchtred, the son and heir of the foresaid, was, like his father, a gentleman of great esteem, and a strenuous defender and patron of all his relatives and defenders."[3]

In 1581, pilgrimages to the shrine of St. Ninian were suppressed; in effecting which our worthy forefathers, forgetful of the charity which "is not easily provoked," thought it became them to punish with startling severity those who adhered to these time-honoured observances. The Sheriff was ordered to "search and seek the persons passing in pilgrimage to any kirks, chapels, wells, crosses, or sick other monuments of idolatry . . . and apprehending them in the actual deed, after speedy judgement, to hold them in prison and firmance, ay and quhile they redeem their liberty and find caution to abstain in time coming." Those not able to pay the fines to be kept in prison, in the stocks, on bread and water; and for the second fault "ilk gentleman or woman landed, the wife of the gentleman landed, the unlanded and the yeoman, *to suffer the pain of death as idolators.*"

[1] Arrayed in warlike manner. [2] Pitcairn's *Criminal Trials.*
[3] M'Dowall MSS.

Sore must have been the dismay of the beadles of Whithorn, who had hitherto seen foreign princes and magnates of the land prostrate in their chapel, on seeing insult thus heaped with impunity on the relics of their saint.

Two sumptuary laws were at the same time remitted to the sheriffs for execution:—

By the one, all under the degree of dukes, earls, lords, knights, or great landed gentlemen, were forbidden to wear any cloth of gold, silver, velvet, taffeties; or any fringes or embroideries of gold, silver, or silk; or even lawn, cambric, or woollen cloth, brought from abroad;—excepting (if they were not permitted to do so by their rank otherwise) all sheriffs, stewards, officers of state, judges, heralds, gentlemen of the royal household, advocates, provosts, and baillies.

Sheriffs and their deputes, and other officers, within their own jurisdictions, to arrest all offenders, and "*hold them in ward till they have payed the pains.*"

A considerate proviso was inserted that nothing contained in the Act should extend to servants "wearing of the auld cleithing of their masters and mistresses."

The other was "against superfluous banquetting, and the inordinate use of confections and drugs." All under the privileged degrees, as in the former Act, were forbidden "to presume to have at their bridals or other banquets, and at their tables in daily cheer, any drugs or confections brought from the parts beyond the sea," nor to give banquets at all after baptizing of bairns; to prevent which the sheriffs were to "appoint searchers. To which searchers open doors shall be made;" and every person found contravening the Act, "as well the master of the house, as the partakers of such superfluous banquetting," was to be fined twenty pounds, one half to go to the poor of the parish. And all the provision of good things to be escheated.

But the strangest of all was an Act "against the abuse of some landed gentlemen forbearing to keep house at their own dwelling-places."

This Act set forth, that of "late there is croppen in amongst

some noblemen, barons, etc., great abuse, contrair to the honor of the realm, and *different from the honest frugality of their forbears*, passing to boroughs with their families, and there boarding themselves with their servants in hostelries and ale-houses, to the offence of God, slander of the country, and the defrauding the poor of their alms:" therefore every lord, baron, and landed gentleman, was ordered in time coming to make his ordinary residence at his own house, with all his family, "for setting forward of policy, and decoration of their said dwelling places," and "entertaining of friendship with their neighbours by all good and honest means," under pain of five hundred merks to be paid by every nobleman, three hundred by every baron, and two hundred by every other laird transgressing the said Act.

We have several times introduced the name of M'Dowall of Mindork, a house that ceased to exist towards the close of the sixteenth century.

We find a trace of the last of the Mindork M'Dowalls in a registered obligation of "Uchtred M'Dowall, with consent of his tutor, to Alexander Ahannay, of Capenach, in 1560;" and again in a wadset between "Uchtred M'Dowall of Mindork and William M'Kie of Lybreck, of the lands of Clontag, in 1574."

The ruins of the old tower still remain in the parish of Kirkcowan. Subsequently to 1574, the Laird of Mindork became indebted for certain feu-duties to the crown, which being unable to pay he was "put to the horn." Being thus beyond the pale of the law, he was much harassed by his powerful neighbour the Laird of Garlies. Sir Alexander Stewart having threatened to seize his person, the wretched outlaw confided his distress to the keeper of an ale-house at the Spittal of Bladenock, who promised to assist him, and found him a hiding-place in the neighbouring hills, in which he lodged him, assuring "Mindork," that "the deil himself wad be hard set to find him there!" Unluckily for the laird, the publican was faithless; he went straight off and sold his secret to the Laird of Garlies, who thereupon started with a party, and dragging M'Dowall from his lair, conveyed him to Wigtown jail. They treated the poor man with great

violence, and among other indignities set fire to his beard, consuming it to the very roots.

The laird died in prison; and so entirely was he neglected, that instead of receiving decent burial, his body was allowed to decay in the cell in which he had lain.

Providence, says tradition, avenged the last of the Mindorks; for it is asserted that after this outrage the growth of the beards of the house of Stewart was for many generations singularly scanty.[1] Dowalton, another branch of the M'Dowalls, about the same time ceased to be a distinct house.

Helen and Florence, daughters of John M'Dowall of Garthland by the heiress of Corswall, had married the Lairds of Logan and of Freuch; and the latter dying, left an only daughter Mary, to whom her uncle, Uchtred M'Dowall of Garthland, became tutor, whilst her marriage was given by the crown to Sir Patrick Vaus.

John M'Dowall, the young Laird of Dowalton, gained the goodwill of the donator, binding himself by an instrument "to infeft Mr. Patrick Vaus of Barnbarroch in an annual rent of fifty merks;"[2] who thereupon offered him to the heiress as a husband. Her uncle, the tutor, however, found means to throw impediments in the way of the lover, and withheld his consent until by a formal deed both parties made over to himself the patronage of the church of Stonykirk and other valuable considerations; and "though," as an old writer asserts, "these conditions might be somewhat hard of digestion, yet the young lovers, being in *furore amoris*, went into them; so the marriage was solemnized"[3]—the donator and the tutor both profiting thereby.

In 1582 Sir Patrick Vaus was appointed a Senator of the

[1] The above statements were given to the late Captain M'Kerlie in 1830, by the venerable tenant, Mr. Hannay, then in his eightieth year. He added, that "a large quantity of salt standing in a neighbouring room to where the Laird of Mindork was left unburied, was rendered unfit for use."

In the Barnbarroch charter-chest there is a letter from the young Sheriff's mother-in-law, "*Dame Katherein Hereis, Lady Garleis,*" addressed to Lord Barnbarroch, from *Mindork*, 2d July (no year)—showing that in her time the Stewarts had possession of the place.

[2] Barnbarroch Papers.

[3] Nisbet's *Heraldry.*

College of Justice, by the style of Lord Barnbarroch; he was called upon to preside at the trial of the Earl of Bothwell on a criminal charge, who notwithstanding thought it not unbecoming to address his judge as follows:—

"Me Lord, forsamekle as we ar sumound to underly the law the tent of November nixtocum, for the slauchter of umquhile David Home: Thairfoir we will maist ernistlie crave your Lordships presens the said day, accumpaneit with your Lordships freindis and servandis to the defence of our lyves, quhilk we sall nocht spair to hasard for your Lordship quhensoever the alyik occasioun salbe offerit. And that it will pleis your Lordship to caus your folkis meit us at Dalkeyth the nynt of the sam moneth be tuelf houres for accompaneing of us to the toun to the effect above written, quhairintill awaiting your Lordships answer our hairtlie commendationis being rememberit, we commit your Lordship to the Eternall. Frome Crichtoun this 26th of October 1584.—Be your L. assurit freint to oure uter power,

"BOTHWELL.[1]

"*To the rycht Hono^ll. Mr. Patrik Vause off Barnbarrocht, ane of the senatouris of the College of iustice.*"

It is amusing to observe the cool indifference of the Galloway barons to the censures of the law courts. When any of them were summoned before these tribunals, unless they had an unusually good case, the usual account of them was "oft times called and not comperit." Judgment went by default; but we may well suppose that the fines imposed were rarely liquidated. In the case of the Sheriff being defendant, unless the plaintiff had a stronger following than himself, and was able to enforce payment by the force of arms, who was to collect the penalty for him?

[1] John Stewart, Prior of Coldinghame, natural son of King James V., married Lady Jean Hepburn, only daughter of Patrick, third Earl of Bothwell. On the death of her brother (the notorious Bothwell, the murderer of Darnley), King James created Francis Stewart, their eldest son, Earl of Bothwell, and he is the writer of this letter, which is in the Barnbarroch charter-chest.

A sheriff might be put to the horn, and declared rebel, but what of that? An instance of this sort is now before us.

Alexander Gordon, Bishop of Galloway, claimed certain sums from the Sheriff as teinds, which probably had been paid from time immemorial; but at the Reformation the bishop had of his own act secularized certain church properties, and the Sheriff, thinking he also was entitled to some benefit from the new state of things, declined to pay. The bishop died, and Barbara Logie, his relict, remarried Alexander Gordon of Grange, and these two raised an action against the Sheriff for the moneys due to the deceased prelate, which was decided in their favour. The Sheriff, however, would not pay: letters of horning were raised against him—still the Laird of Lochnaw opposed a passive resistance. A year and a day having passed since that formidable sounding process was gone through, the liferent of the whole of his estate was declared forfeited to the king, as well as all his goods, movable and immovable. But still the Sheriff did not pay; nor did his Majesty take any steps to possess himself of his goods, over which the forfeiture was suspended. At last (for what consideration is not named), the solemn farce was ended by the king giving a grant to Andrew Agnew, heir-apparent of Lochnaw, of the escheat of Patrick his father.

The king's grant of the escheat, under the sign manual, is addressed to "*Andrew Agnew, Junioris de Lochnaw*, etc., under our privy seal, at Haliruid Hous, the 3d of March 1584.

"Wot ye us to have given to our lovit Andro' Agnew younger of Lochnaw his heirs and assignees the escheat of all guids moveable and unmoveable, debts, tacks, steadings, rowmes, possessions, corns, cattle, insicht plenishing, acts, contracts, actions, obligations, reversions, decreets, sentences, sums of money, jewels, gold, silver, coined and uncoined, and other goods and geir whatsoever, which appertained of before to Patrick Agnew of Lochnaw, and now pertaining to us, falling and deciding in our hands and at our disposition, be the laws and practice of our realm; and the life-rent, mails, farms, profits and duties of all lands, tenements and annualrents which appertained

before to the said Patrick Agnew of Lochnaw, *holden by him immediately of us,* induring the said Patrick's lifetime which now appertains to our disposition, by our Acts of Parliament through the said Patrick wilful and obstinate lying and remaining under the process of horning without lawful relaxation, attour the space of a year and a day next after that he was denounced our rebel, and put to our horn. To be halden and to be had the escheat goods, and the liferents by the said Andrew Agnew.

"Wherefore we charge straightly and command you all and sundry our lieges and subjects that none of you take upon hand to make any let, stop or distroublance to the said Andrew Agnew, his heirs and assignees, in the peaceable brooking, joysing, uptaking, intromitting and disposing thereupon; under all highest pain and charge that after may follow." Some payment was no doubt made by the young Sheriff to the king on this occasion; but the old Sheriff neither paid, nor asked forgiveness, nor turned out; but remained as quietly in his "castell and fortalice," after the process of horning had been gone through, as if nothing of the sort had happened.

The family to which this Bishop Alexander belonged were the Gordons of Glenluce, who then acquired considerable possessions, which conferred baronial powers. A story is told of these Gordons of Glenluce, which only deserves recording as giving a sample of the jurisprudence of the sixteenth century.

A certain M'Clumpha and his daughter were convicted at the baron-court of sheep-stealing; the father was sentenced to be hanged, and the young woman to be branded with S. S. (sheep-stealer). Whilst awaiting execution of their sentences, a man named Douglas, who had been engaged in some tuilzie, was thrust into the cell along with them. Being a supple rascal, he assisted them to break out, and all got clear off, but soon were all recaptured. Douglas's sentence had been banishment to Carlure, a remote spot near the Laggan-garn, at the head of Miltonise. On the trio being again brought to court, the sheep-stealers were remanded to undergo their former sentence, whilst Douglas was remitted to his banishment, with a caution that if he returned

unbidden, he would suffer for it; and as a mark of indignity he was ordered to be drawn on the hurdle with the sheep-stealer to the place of execution. The jist in this country tale is to follow, showing the indifference to life which had been engendered by a troubled state of society;—the old man, on the very point of execution, coolly begged the hangman, as his dying request, to be sure to "brand the lassie as far back as possible, so that her mutch should cover the scar."

Let us accompany Douglas for a moment to the Laggan-garn, or rocking-stone. This still stands in New Luce parish—the remains of a supposed Druid circle—which stood there long untouched, a superstitious awe being the means of preserving it. At last the charm was broken. A man, indifferent to the prejudices of his time, removed most of the stones for lintels for a dwelling-house; three only were left untouched, as on these holy crosses had been engraved: but no sooner was the work of spoliation done than a strange fatality attended the man and all his family. Judgment followed upon judgment: his wife died; his children all fell sick; and as a sister-in-law attended them in their illness, she slipped over a fragment of one of these very stones and fractured her arm. As she screamed with pain, his own dog rushed in among the group, foaming at the mouth. The bewildered father seized the rabid creature by the tail, and dashed his brains out against one of the accursed lintels, but even then, as the dog writhed in his death struggles, he contrived to bury his teeth in his master's wrist, and within a few days the wretched man, showing unmistakeable symptoms of hydrophobia, was smothered between two feather beds at his own request!

The Laird of Garthland had married a daughter of Sir Hew Kennedy of Girvanmains; but this lady dying, he married, secondly, Margaret, daughter of Henry, Lord Methven. This lady's sister, Dorothy, was Countess of Gowrie; and through this connection, the laird, as well as his eldest son, were led into taking a part in the Raid of Ruthven, which had well-nigh cost them their lives.

This so-called raid consisted in the seizure of the young king by a band under the guidance of Alexander Ruthven, Earl

of Gowrie; and though momentarily successful, ended in the execution of almost all who were concerned.

The first batch of convictions, including the Earl of Gowrie's, occurred on the 4th of May 1584; and immediately after, the Earl of Angus, the Earl of Mar, Uchtred M'Dowall of Garthland, and Uchtred M'Dowall younger of Garthland, were tried for their lives; happily for themselves, the M'Dowalls were able to produce a warrant from the king himself to this effect—

"Our Advocat, we greet you well! For as much as there are summonses for treason in our name, against Uthred M'Dowall and Uthred his son, for the treasonable surprising and taking of our Castle and Town of Stirling, being in company with divers other conspirators contained in the summons; for divers reasonable causes and considerations moving us, it is our will that ye extinct and delete furth of the said summons the said Uthred M'Dowall and his son.—Subscribed with our hand at Edinburgh the 19th day of August 1584 years. JAMES R."

Only one other gentleman of all those brought to trial escaped. The elder Garthland, notwithstanding his pardon, found himself obliged to fly to France, where he lived until his death, in 1593.

The disgrace of the head of this powerful house brought the feud with the Gordons to a close. As an evidence of its notoriety, the Earl of Gowrie, at his trial, challenged Sir John Gordon, who was one of the assize summoned; giving as his reason, the deadly enmity known to exist betwixt Garthland, who was married to his wife's sister, and the house of Lochinvar.[1]

The Sheriff took a part in these trials, which continued for many months. In the February of the following year, Douglas of Mains, Cunningham of Drumquhafill, and Edmonston of Duntreith, were tried on the same charge. On the assize there sat "Lord Hay of Yester; the Mester of Cassilis; Patrick Agnew, Sheriff of Galloway; Sir John Gordon of Lochinvar; and William M'Culloch of Mertoun."[2] The accused were all convicted, and sentenced to "be hanged at the Mercat Cross of

[1] Archbishop Spotswood.

[2] Pitcairn's *Criminal Trials.*

Edinburgh;" and when dead quartered and drawn, all their goods to be escheated to the king.

With equally unfortunate results to himself, Patrick M'Kie of Whitehills (brother of Archibald M'Kie of Mertoun) occupied himself "in forging, fenyeing, and stryking" certain false moneys. He was detected and put upon his trial for coining "half merks, thirty shilling, twenty shilling, ten shilling, and forty penny pieces."[1] The assize, by the mouth of William M'Culloch of Myreton, found him guilty of counterfeiting "half merks and forty penny pieces in great quantity;" but acquitted him of the other charges.

This qualification in the verdict was of little advantage to the defendant, who was sentenced—

"To tynt life, lands, and goods, to be applied to our Sovereign Lord's use, and himself to be hanged to death at the Market Cross at Edinburgh."

The Sheriff was now assisted in his duties by his eldest son,[2] who, in 1586, received a royal commission as Justiciar of Wigtown; in this "the disorder of the times" is set forth, and by it full powers were given him to bring up before himself, and to deal with, *all cases whatsoever*—no reservation being made of the four pleas of the crown.[3]

Up to this date all free barons were still liable to be summoned to Parliament. Some time before, those whose incomes were under one hundred pounds Scots, were allowed to appear by procurators unless specially summoned; but the larger proprietors were not previously exempted. In 1587, representation and election, somewhat on modern principles, were definitely fixed by law; but more than fifty years elapsed before the sys-

[1] Pitcairn's *Criminal Trials.*

[2] 23*d May* 1586.—Among the Barnbarroch Papers there is a decreet of removing, at the instance of Sir Patrick Vaus, against certain tenants, adjudged before Andrew Agnew, Sheriff of Galloway.

[3] Pitcairn, in his most interesting edition of the History of the Kennedys, says that, at the close of the century, Sir John Gordon of Lochinvar was Justiciar of Galloway. He was so previous to 1586; but at that period he either resigned or was superseded—the commission, addressed "Dilectus Noster Andreas Agnew Vicecomes," dated 1586, being in the charter-chest at Lochnaw.

tem was fairly carried out, owing to the indifference of the parties most concerned, on which we formerly remarked.

Attendance in Parliament was considered rather a burden than an honour, and had to be enforced by a scale of fines and penalties. Considering that politics meant nothing but the struggles of faction; that the first principles of political economy were misunderstood; that roads were bad, and that the lawless state of the country rendered travelling unsafe;—we can hardly wonder that our ancestors did not relish the prospects of a long journey, subject to many inconveniences, exposed to the inclemency of the weather, with little hope of finding decent accommodation by the way.

In 1587, however, it was formally enacted that every shire should elect two commissioners to represent the barons, and the whole of the freeholders were made liable for the expenses of their representatives. "It being just that those who shall attend his Majesty and the service of the kingdom in Parliament, should have due allowance for their charges." These allowances were fixed at five pound Scots (8s. 4d. sterling) daily, to every commissioner during the session, together with eight days additional (in the case of Galloway) for coming, and eight more for returning to their homes.

Though those not elected could no longer be fined for non-attendance, no statute abrogated the right of all barons to sit in Parliament, if so disposed; none, however, we believe, ever claimed a seat, if un-elected; and gradually custom established the principle which was afterwards recognised, that election was essential to the right of sitting in Parliament.

The boroughs, in the same way, had little or no anxiety to be represented, having to support their member; and it was not uncommon for the burgesses of one town to appoint the representative of another as their proxy; though whether this was strictly legal is very doubtful.

The Estates next passed an Act to regulate stable economy. "That na person whatsumever within the realm keep any horse at *hard meat* after the first day of June, yearly . . . earls

only excepted, who may keep two at the most, and barons, one ... with certification to contraveners of the Act that it shall be lawful for all sheriffs to escheat and sell all their horses wherever they be apprehended, one half of the proceeds to pertain to the king, the other half to the sheriffs!"

Whilst, for the protection of timber, they enacted that "whatsoever person wilfully destroys and cuts growing trees, shall be punished to the death."

By a crown charter, dated 12th May 1587, the Sheriff was confirmed in the possession of the lands of Kerronrae and Marslaugh, extending from Lochryan along the shores of Loch Connell. On the west of the property are some traces of a moat, and slight vestiges of an ancient stronghold, marked in maps as "Craigoch Castle." We have been unable to connect any story with this castle.

The following year the young Sheriff, now the "*Justiciar* of Wigtown," entered into an agreement with Lord Barnbarroch, which seems a strange one, as it affected Sir John Dunbar's property; and hence it is difficult to understand why Sir Patrick Vaus had any right to interfere in his neighbour's barony. The deed, however, runs thus:—

"Tuiching the thieffs to be serchit and apprehendit with Reidhand within the lands of Mochrum Loch"—

"At ye Kirk of Glenluce, ye 29th day of March 1588—

"It is appointed betwixt Sir Patrick Vaus of Barnbarroch on the one part and Andrew Agnew Sheriff of Wigtown on the other part concerning the lands of Mochrum Loch and for avoidance of variance betwixt them, that in case Sir Patrick or his officers be the first challengers of any theift on his proper person within the said lands and barony; in that case it shall be lesing to Sir Patrick to sit and do justice upon the said persons; lykeas, upon the other part, giff it shall fortune that the Sheriff or his officers be the first challengers of any the like persons, that he shall be in like manner priveledged to sit and do justice upon them as laws will. And quhilk of the said parties that shall happen to be the first apprehenders (yet) the effects of

the parties culpable shall appertain equally to the said Sir Patrick and to the said Andrew Agnew, and be equally divided between them.

"And this writ to stand firm and stable and to be renewit in case it be not sufficient, keeping the effect above written.

"Subscribed with our hands, day, year, and place foresaid. Witnesses—John Kennedy of Barquhonny, Quentin Boyd of Auchrocher, Alexr. Agnew in Challoch.

(Signed) "ANDRO AGNEW,
"BARNBARROCH.

"My Lord Comissar ye shall registrat thir letters between us keeping thir presents for your warrant, at the desire of us, in the above-written obligation.—BARNBARROCH. ANDRO AGNEW."

In 1588, the Sheriff had the satisfaction of seeing various portions of the invincible Armada cast helplessly upon the shores of Galloway. There are several traditions on this subject.

One vessel is said to have been driven into Port Float, in Stonykirk parish, where it was dashed to pieces. Another, a first-class man-of-war, the Philip and Mary, is even now supposed to be embedded in the shingle not far from Port-William, in the parish of Mochrum; and the spot is mapped down as "Philip and Mary Point." A third was driven into the waters of the Solway, and at last wrecked near Cruggleton, in the parish of that name, now united to Sorby. The minister of Sorby thus wrote towards the close of last century—

"This neighbourhood has a breed of horses fit for the saddle and carriages of every kind. They are said to be sprung from a Spanish breed, which came ashore on this coast when one of the vessels of the Armada was wrecked upon it."[1]

In 1589, Lord Barnbarroch, then in high favour at Court, accompanied the king to Denmark to claim the hand of the Princess Anne. Before his Majesty crossed the German Ocean, he took precautions to have his larder well filled at the least possible expense to himself. Begging letters were despatched in

[1] Old Statistical Account of Scotland.

all directions; one only of such requisitions for beeves and game as were sent to Galloway has been preserved, and is a highly characteristic document:—

"To our Rycht Traist Counsillor Sir Patrick Vaus of Barnebarrauch, knycht.—Rycht traist Counsellour, we greet you weill. Our marriage now at God's pleasoure being concludit, and the Queen our bedfellow hourlie looked for to arrive, it becomes us to have sic as accompany her weill and honorablie entertenit.

"Therefore we earnestly and affectuously desires you that ye will send hither to the help of our honourable charges to be made in this action, sic quantities of fat beef and mutton on fute, wyld fowles, and venysoun, or other stuff meit for this purpose as possiblie ye may provyde and furnish of your awen moyen; and expede the same here with all diligence, after the receipt of this our letter and deliver it to our servitor Walter Neische, master of our lardner, whom we have appointet to resave the same and gif his ticket thereupon; that we may particularly know the guid wills of all men and acknowledge it accordingly when the time serves.

"As ye will do us rycht acceptable plesour and service and sua for the present commits you to God.

"At Edinburgh, the penult day of August 1589.

"JAMES, R."[1]

Lord Barnbarroch had, in early life, married Elizabeth, daughter of Sir Hew Kennedy of Girvanmains, who died without issue; he then married, secondly, Lady Catherine Kennedy, daughter of Gilbert, third Earl of Cassilis, and by her had a large family, his eleven daughters all marrying, and greatly extending the county connections, viz.—

1. Isabel married Murray of Broughton, A.D. 1562.
2. Florence married H. Maxwell of Garnsalloch.
3. Jean married Gordon of Craichlaw.
4. Euphemia married Baillie of Dunragit (or of Blairchinnoch), 1591.

[1] In Barnbarroch charter-chest.

5. Grizell married, 1st, J. Kennedy of Barwhannie, 1578.
2d, John M'Dowall of Logan.
7. Janet married an Adair, cadet of Kilhilt.
8. Elizabeth married Shaw of Sornbeg, 1592.
10. Katherine married Houstoun of Cutreoch, 1594.
11. Margaret married, 1st, John Dunbar in Orchardtoun;
2d, John Creigton in the Larg, 1570.

(She ought, probably, to be ranked earlier among the sisters.)

His eldest son, John Vaus, who was afterwards knighted, married a daughter of Uchtred M'Dowall of Garthland.

In the course of the sixth Sheriff's lifetime, the Baillies established themselves at Dunraggit; they were a branch of the ancient house of Lamington. The first of this family was abbot of Glenluce early in the century.

Hay, another abbot of Glenluce, acquired the lands of Park at the Reformation; his son married a daughter of Uchtred M'Dowall of Garthland, and built the House of Park, which still stands. Over the doorway he placed this inscription—

"Blessit be the name of the Lord. This verk vas begun the —— day of March 1590, be Thomas Hay of Park, and Jonet Makdoval, his spouse." The old manuscript account from which we quote is here interpolated (in an ancient hand) with this dry remark—

"Theire were other two, one married to Sir Patt. Makie of Larg, and the other to John Vaus of Barenbaroch. She was the youngest that was married to Parke, and not verie sprightly."[1]

Two branches of the house of Lochinvar established themselves in Wigtownshire in the same generation.

William Gordon, brother-in-law of the Sheriff, then styled of Culreoch, obtained a royal charter of the lands of Penninghame, and married the Sheriff's cousin, Helen Stewart, of the house of Garlies.

[1] M'Dowall MSS.—The writer of this, however, seems to have confounded two generations. Sir Patrick M'Kie was son to Catherine Agnew, the Sheriff's eldest daughter, who was only married in 1575. He also mentions "Jonet" as the youngest sister. Sir Patrick M'Kie probably married a niece of these ladies, daughter of their brother, also Uchtred.

Another of the same stock, Gordon of Barskeog (who in the district was now better known as Gordon of Clanyard), married a daughter of the Sheriff's, and took up house at his castle in Kirkmaiden.

A third Gordon, William, son of Sir John the Sheriff's brother-in-law, was, in 1581, made Commendator of Glenluce, and hence is sometimes called Gordon of Glenluce, but he left no children; and the Gordons of Glenluce, properly known as such, were of the Huntly family, descendants of Bishop Gordon.

The feud between the Gordons and M'Dowalls was effectually brought to a close by the marriage of the Laird of Garthland's eldest son with Janet, niece of the Lady of Lochnaw.

Uchtred M'Dowall of Garthland, the bridegroom's father, is described as "a gentleman of great parts, and more than ordinary learning, and of singular temper and goodness;" and "who agreed all the feuds on very equal and honourable terms."[1]

Another niece of the Sheriff's lady, Christian Douglas of Drumlanrig, was married to Sir Alexander Stewart of Garlies, brother-in-law to her son, the Justiciar.

Ross of Balniel first appears in the county about this time, and married Jane M'Gill of the family of Cranstoun-Riddell, a sister of the wife of Sir Thomas Kennedy of Culzean: the similarity of arms indicates a descent from the Lords Ross of Halkhead.

Four more families of Kennedys became known as proprietors: the one built a residence on the Bay of Luce, called Sinniness, from which he took his designation; another established himself near the site of St. John's Chapel, and was known as Kennedy of Chappell; the third acquired the castle of the Adairs close by (since the prison of Stranraer), and was styled of Ochterlure.

The fourth took up his residence in the castle of Cruggleton, and acquired the neighbouring barony; the superiority of the

[1] Crawford.

[2] *Archibald Kennedy of Sinniness* is named in the summons of the Regent to the Sheriff of Galloway in 1571.

lands, however, remained for some years afterwards in the hands of the Vauses of Barnbarroch.

Ninian Adair of Kilhilt had a large family by the Sheriff's sister-in-law. His second son acquired the lands of Maryport in Ireland, and married a daughter of the House of Mochrum. A third son was styled of Curgie, and married a Stewart of Garlies. The fourth son, Alexander, was successively Dean of Rappho, Bishop of Killaloe, and Bishop of Waterford and Lismore: he married a M'Dowall of Garthland. And a fifth was styled of Cardryne. His father having lived to an advanced age, Ninian, his eldest son, resided long at Drumore with his lady. A charter, signed Ninian Adair, *younger* of Kilhilt, is dated *Drumore, 25th April* 1588.

The Sheriff died in the year 1590; and was borne by his relatives to the burying-place in the churchyard of Leswalt, being the first of his race who was buried as a Protestant.

NOTE.

It is probable that the sixth Sheriff was a *knight*, and there is also reason to suppose that the first, second, and fifth Sheriffs were also knighted. None used the style *themselves*, and we have thought it better to follow their example, and simply call them Sheriffs. Up to the period of the Commonwealth they preferred the latter title; and the seventh, eighth, and ninth Sheriffs, of whose knighthood there is record—and who, under more stringent regulations, were obliged to pay *knights' fees*—although officially addressed as "*Sir*," *seldom or never adopt the designation themselves.*

The older Sheriffs, as well as their brother knights in Galloway, probably did not pay knights' fees; and hence Sir Alexander Stewart of Garlies, Sir James Gordon of Lochinvar, Sir Thomas M'Clellan of Bomby, Sir Symon M'Culloch of Myrtoun, who *do style themselves* knights, are not so addressed in official documents when they are named along with the Sheriffs—many instances of which may have been observed in the previous pages.

CHAPTER XVIII.

THE SEVENTH HEREDITARY SHERIFF.

Ane gat a twist o' the craig;
Ane gat a bunch o' the wame;
Jamie Young got lamed o' a leg,
And syne ran wallowing hame.—BORDER MINSTRELSY.

THE close connection which we have described in the previous chapter as existing between the principal families in the Sheriffdom, may probably have been the cause of a short period of tranquillity, undisturbed by local feuds.

The young Sheriff had already gained himself credit by his activity as Justiciar; and the county historian relates that at this period "law assumed considerable vigour, both the property and persons of individuals were held more sacred. The execution of justice had become more certain, and the chance of pardon or escape considerably diminished. *The Courts of Justiciar* had powerfully contributed to produce this salutary change in Galloway."[1]

The difficulties which had arisen between the late Sheriff and the Kennedys, under the fourth Earl of Cassilis, had ceased on that nobleman's death; and the seventh Sheriff, who for long had lived upon terms of friendship and intimacy with Lord Barnbarroch, soon established friendly relations with that gentleman's brother-in-law, Sir Thomas Kennedy, who was now a frequent resident at the Lochs of Inche.

The Sheriff was, about 1590, knighted by the king; but this was not looked upon in Galloway as an honour, but rather as one of the modes by which James endeavoured to extract fees from the pockets of the baronage. The title was not valued by those who were neither military leaders nor courtiers. And it

[1] Mackenzie.

is observable that the Sheriff *never designates himself as a knight*, though he is so addressed in official documents.

Various Acts of Parliament were addressed to the sheriffs in 1592.

For punishment of the Masterful Beggars, all sheriffs were enjoined to "make prisons, stocks, and irons not only at the head borough, but also at the principal throu'-faire touns, and at the parish kirks."

Moreover they were ordered to hold courts in each parish, or for "sa manie Parochins as will concur togidder" for the relief of the poor, and to assess, uplift, and raise, and if necessary poind and distrain, for the money sufficient for the purpose; and should the sheriffs be negligent in this matter, the ministers, elders, and deacons, were empowered to hold the like courts.

In another Act of the same Parliament, the King and Estates revoked a number of patronages granted by former sovereigns; but among the special exceptions is one to

"Sir Patrick Waus of Barnebarrauche, knight, of the advocation, donation and right of patronage of the kirks of Kirkynner, Kirkcowene, Cammanell, and Victoun," which it is declared are not comprehended within the Act.

In 1593, the Sheriff's sister, Catherine, widow of the Laird of Larg, married Alexander Gordon of Clanyard. The settlements were signed at Lochnaw on the 13th of July—the Sheriff taking burden on himself for his sister, who was well provided for, as she already held for life, as her dower, the lands of Larg, and others in the Stewartry. On her second marriage, she received a life interest in the lands of Portencorkrie and Garrochtrie, in Kirkmaiden parish.[1] The newly-married pair are said to have

[1] By a charter under the great seal, dated Stirling, 4th February 1594, both settlements are ratified, and the charters from the two husbands recapitulated.

By the first charter Catherine Agnew receives the lands of Larg, Sprag, Merk, *alias* Torff, and Pelbrekby. It is dated 9th December 1591, when the Laird of Larg was probably on the eve of death, witnessed by his son Patrick M'Kie, the Sheriff, Patrick Herron, Robert Gordon of Barnemay, etc.

The second charter—the settlement—is to "Andrew Agnew Vicecomes et Katherina Agnew ejus Soror." It is signed by Alexander Gordon and the Sheriff,

lived at Clanyard Castle in great splendour. Tradition still cherishes recollections of the order of their household, and the liberality of their entertainments. So generous was the lady's housekeeping said to be, that at Clanyard, in her time, a beef was killed and a boll of malt brewed for every day of the year!

The dinner-bell still survives the ruins of the mansion, although used no more for convivial purposes. It was cast for Nicholas Ramsay of Dalhousie in 1554, from whom it was obtained by the Laird of Lochinvar, and by him presented to his kinsman, very possibly as a wedding gift; it now summons the parishioners of Kirkmaiden to church.[1]

Another tradition of Gordon's doings is less agreeable. Adjoining the lands of Clanyard was a holding possessed by a man named M'Kenna, greatly coveted by the laird, but with which the old man declined to part. One day M'Kenna was waylaid and seized by some of Alexander Gordon's followers, who hurried him off to the steepest precipice on the iron-bound coast, hard by his own lands, and there they deliberately suspended the wretched man by his thumbs over the "heuch" till he agreed to sign a deed disposing of his property.

In 1596, Stranraer, then written Stranrawer, was erected into a borough of barony, under the superiority of Adair of Kilhilt, by a charter under the great seal. This deed disponed to the borough "Saint John's Croft, extending to six acres from the burn which comes from the Loch of Chappell to the Loch of Lochryan and the lands of Airds on the east. The Tower, fortalice, manor-place, and yards of Chappell, on the west. The watergang which runs to the Mill of Chappell on the south, and the Loch of Lochryan on the north. Reserving to Elizabeth Kennedy, heretrix of the said Croft, the Tower, Fortalice, Manor-Place, yards, and orchards of Chappell."

and witnessed by Quintin Agnew, his son, several servants, and Jacob Gloffar, notary-public.

[1] Our informant, a patriarch of eighty-nine years of age, has, when a youth, conversed with an old man whose grandfather was a groom in Clanyard Castle (at a later date than that we write of, but) when it was still in its glory.

The Laird of Garthland had a residence of considerable size in the Middle Vennel of Stranraer. The Lynns of Larg had a house there also, as well as Quintin Agnew, the Sheriff's brother, and Kennedy of Chappell. These houses excepted, the town was composed of thatched one-storeyed dwellings, miserably built. The derivation of the name is the very simple one—the Row on the Strand!

Two of the streets running parallel to the shore are still called "the Feys"—a traditional recollection of "St. John's Croft," then popularly called the Chapel Fey.

As the Sheriff's eldest son Patrick grew up to manhood, he was thrown much in company with his powerful neighbours, the Kennedys, who now maintained the most friendly relations with the Agnews; and at an early age he married Margaret, the eldest daughter of the late earl's brother, Sir Thomas Kennedy of Culzean. This gentleman, of whom a contemporary writes, "he was indeed ane werry potentious man and werry wyise!" had married Elizabeth M'Gill of Cranstoun-Riddell, a sister of the wife of the Laird of Balneil. The young Laird of Lochnaw's bride was therefore first cousin to the Earl of Cassilis; and as her father had entirely controlled the young lord's affairs for nearly twenty years, there seemed every hope that with this new relationship all occasions of feud between the two families would finally disappear.

But hardly were the wedding festivities concluded before there were again symptoms ominous of strife. Cassilis, having escaped from the leading-strings of his wiser uncle, young as he was, began to show symptoms of greediness, which rendered him unpopular with all his neighbours. He was superior of a large tract of country, most of which had been actually held in feu time out of mind by many of the neighbouring barons, and he now determined to dispossess those gentlemen in order to increase the rate of duty he received.

On an *ex parte* statement, he managed to obtain a decreet of removal against all his "kyndlie tenants," although their rights were in reality as valid as those of copyholders in England. He

equipped a band of forty horsemen in Ayrshire, and proceeded at their head to his house of the Inche, in order to carry out his plan.

The news of his arrival set the whole country in a blaze. The Sheriff and his son, notwithstanding the amenities which had passed at the recent entertainments, immediately met with the principal barons—such as Garthland, Myrtoun, and Kilhilt—and all present engaged to support whichever of the party should be the first attacked.

Lord Cassilis, who never doubted his ability to enforce his "decreet," made proclamation of a court to be held at Glenluce the next day,[1] for the avowed purpose of dispossessing the Laird of Garthland of a holding. The Sheriff, meanwhile, in the name of the other gentlemen of Galloway, intimated to Cassilis that they expected to be treated with greater consideration; and that neither custom nor courtesy could sanction such summary proceedings; to which he replied that he, for what he did, could show law; that he should produce his authority in open court, and that, having done so, he should enforce it to the letter.[2]

On receiving this answer, the Galloway barons assumed an air as defiant as the noble earl, and within a few hours were able to parade a hundred horsemen fully equipped, with which, taking the road to Glenluce, Garthland scoffingly exclaimed, "Giff me Lord will come to hold his court he shall be welcome, and I will be his Depute."[3]

[1] Where inverted commas are used, it is a quotation from the contemporary history edited by Pitcairn, beginning thus:—

"My Lord heaffand obtenit ane decreitt aganis all the gentill menne of Galloway, of all thair kyndlie rowmis, sik as the Laird of Gairsland, Kenhilt and Meirtoune, with the Schereff of Galloway and thair friendis, rydis to his house of Inche in Galloway, with forty horse in geir, one intentione to put the same decreitt of his to execution."

[2] "*He wald use na thing bot the rigour of the law.*"

[3] The Gentill menne seeing the same, and that he wald hald Court the morn, gadderitt thame selffs togidder to the number of ane hunder horse in geir and said Giff me Lord wald cum thair he suld be welcum: bott the Laird of Gairsland said he wald be deputt." The drift of this remark is, "My Lord with his following may sit as judge in his court; and I, with twice as many at my back, will sit as deputy. We shall do as we both agree is best!"

Cassilis, being informed of the warm reception preparing for him, thought it best not to venture to Glenluce that day, but by great exertions "gaderitt som ma of his menne to him or thay came back, and sa isschit out of the loch, and thocht to put thame about the way they com. But they com that way, and wald nocht be stayitt."

"Now the way they were to come back was by the loch end of the Inche, where me Lord was;" and here the contending parties met; but, to my Lord's mortification, the skirmish resulted in his party running "wallowing hame." And, further, as he lay sorely crestfallen in his island, "the Galloway men came that night and enclosed the loch, and would let none out nor in, for they knew he was not well provided;" and "they thought none would relieve him, for his friends in Carriek and he were not in good terms, and the Lairds of Garlies and Lochinvar were their own.[1] My Lord of Cassilis, perceiving himself in this estate, *was hiche offenditt,* and could find no way to get himself relieved." Thus the proud earl found the tables turned upon himself. His men-at-arms were outnumbered by those of his opponents, and yet his discomfited band were numerous enough to eat him out of house and home, and were already clamouring loudly for their rations!

My Lord, like a caged tiger, paced up and down the limits of his isle, "chewing the cud of sweet and bitter fancy." Should he yield himself a prisoner to the Galloway lairds, and let them dictate their own terms? or must he appeal to the generosity of those of his clansmen with whom he had quarrelled? But then how to get at them! At last he bethought him of a plan. The earl had with him in the island one James Young, minister of Colmonell, to whom he entrusted a message to his popular relative Bargany, promising, "Gif he would come and make his relief, he would mend all the misbehaviour he had done him, and think of him with the kindness of a kinsman to his life's end."

Charged with his delicate mission, the pastor set out, was

[1] Were of their own party.

of course arrested at once by the besiegers, and brought before the accoutred barons; upon this the reverend man gave them a solemn assurance that he was bound to perform service at his kirk, and being allowed to go on his way, so quickly did he speed, that he arrived at Ardstincher that very night, and delivered his message to Bargany.

"Whereupon the Laird of Bargany sent and warned all his friends and servants to come after him with all speed, and *lap on* himself with forty horse, and rode all night," till he came to Craigcaffie, within a mile of the Inche, whence he sent one of his gentlemen to see "what they were doing about the loch," and to beg the besiegers to come and confer with him.

Bargany's popularity now stood him in good part. The barons at once responded to his call, and going to Craigcaffie, Bargany explained to them that he was there at the earl's request, and not without hope that they would allow him to settle their misunderstandings. Having discussed their several grievances, and that of Garthland in particular, Bargany thus manfully expressed his own determination:—

"Sirs, if my lord be to do you wrong, and not use you kindly by the sight of friends, I will not only leave his lordship, but maintain you to the last drop of my blood; but giff ye be to pursue my lord of his life at this time, seeing he has sent for me, I will defend him to my power."[1]

To this the Galloway lairds replied, that they were there "not to pursue my lord, but to defend themselves and their friends from wrong;" and as to Bargany's proposition, they replied with one voice that they were content to abide his judgment.

This settled, he was at once permitted to go unattended to the island, where the earl received him very graciously, and showed him the urgent state of his affairs, and thereupon

[1] The meaning of this thus literally given is, "If my lord does you injustice, and does not submit the case, as he has proposed, to my arbitration, I will side with you; but if you are intent now on taking my lord prisoner, or killing him, I must take his part against you."

Bargany assured him that the gentlemen were reasonable enough, and the earl solemnly pledged himself to be bound by the laird's decision. His kinsman made him repeat his engagement a second time, and Cassilis gave him his hand on the words "Ye are judge for me:" "Then," said his relative, "if that is so, I will bring them all in here 'in quiet manner;' and should these gentlemen now draw back from their engagement, I pledge my life I shall rescue you from their hands this day or perish in the attempt."[1]

The chivalrous laird returned to the barons in high glee, saying, "Now, if ye still be content to make me judge, I hope to agree you;" and on all present assenting, he added, "Sirs, sen sa is (since it is so), ye shall do best to cast off your geir and send your folks away, and ye shall go with me and reason with my lord on your own cause; and, by God's grace, I shall be your warrand that ye shall neither get shame nor skaith in body or name." "The quhilk they condescended to, and did as he advised." Hereupon a curious episode occurred. Bargany, who knew his kinsman well, "sent forty men, and more of his own folks, into the isle before him, *in case my lord should break his promise.*" And having thus established a material guarantee for the earl's good faith, he, accompanied by the Sheriff of Galloway, Garthland, and ten other gentlemen of note, proceeded to the house of Inche. They were all received with a great show of courtesy by my lord, and the first salutations over, Cassilis said, "Gentlemen, I owe it to my kinsman that you are all come here in peace, and whatever he thinks right between us, by that I shall be bound."

Upon this Garthland, in whose cause all this demonstration had taken place, answered his lordship, in courtly phrase, "We do not blame your lordship, but we blame those who have maliciously advised your lordship to do us wrong."[2]

Discussed in this spirit, all difficulties were soon arranged, and Bargany "agreed them all to their contentments."

[1] "Gif they refuise or nycht I sall die and (or) putt thame aff the field."

[2] "We wyt nocht your Lordschip, but sik as hes gewine your Lordschip counsell on maleis to do ws wrang."

My lord next insisted that they should stay and dine with him, to which, nothing loath, they readily assented; ample provisions had now made their appearance within the garrison, and general hilarity prevailed. Dinner over, "my lord drew on his boots," and the whole party mounting, the stirrup-cup was handed round, and the gallant cavalcade issuing from the isle, the Galloway barons, in show of their good will, escorted the earl and their oversman to Glenapp.

But the story does not end here. Ten days afterwards the Laird of Bargany duly waited on Cassilis at Maybole, to arrange formally these Galloway affairs, as he was bound to do, but the earl demurred to his decision; and on his persisting that he himself was sole judge in the matter, Cassilis said peremptorily, "Bargany, say not that, for if ye will, I will affirm the contrary, and we will do you reason[1] if you affirm the same." "My lord," said the laird indignantly, "*I will affirm* the same! and now, my lord, surely you will not break your last promise as you have done the first."[2]

This happening in the earl's own house, Bargany retired to his own, and after waiting a long time for the expected message, he wrote "to my lord, that his lordship would, according to his promise, appoint him time! place!! and manner!!!" But Bargany was destined to receive no satisfaction, for my "lord gave na answer, but let the samen pass over with sylense!"

The result of all this was, of course, that Lord Cassilis was again at daggers drawn with the ~~gentlemen~~ Galloway baronage, and on the worst possible terms with a powerful faction of his clansmen.

The earl had again recourse to law (law-courts were not always courts of justice), and again he was resisted as before. But as the Sheriff was thus placed in the position of opposing the royal authority—as he supported Garthland instead of enforcing the tenor of the letters issued in the king's name—he was open to the accusation of having failed in his feudal service to the sovereign, and Cassilis, who was then High Treasurer,

[1] Challenge you to fight.

[2] That is, you will now give me a meeting.

had sufficient influence to procure a summons to be served on him by one of the pursuivants of the college of arms, commanding the surrender of the keys of his castle of Lochnaw in the king's name.

This command the Sheriff obeyed, at least in the letter, for he produced his keys—though he did not further disarrange himself—and for these he demanded a receipt; with which request the herald complied in terms as follows:—

"At Stranrawer the nyntene day of September the yeir of God 1601 yeirs.

"The quhilk day in presence of me Natary Publick and witnesses underwritten, personallie compearit *Robert Campbell, Carrick Pursewant*, Quha forsameikle he be vertew of our Sovereign Lord's Letters, directed at the instance of his Highnes's Treasurer[1] and Comptroller, had charged *Ane Honorabell Man, Andro Agnew of Lochnaw, Sheriff of Wigtoun*, to render and delyver to him in our said Sovereign Lord's name his *Castell, Tour, fortalice, and dwelling-place of Lochnaw*, and to deliver him ye keyis thereof, to be keepit be the said Robert, conforme to the said letters; quhilk ar of ye dait at Striveling ye xxj day of August last bipast under ye paine of tressone. The said Robert grantet that ye said Andro Agnew Sheriff foresaid, for obedience of the said letters, and for eschewing of the paine therein contenit, hes randerit and delyverit to him the said Castell, Tour, and Fortalice with the keys thereof conforme to the said charge in all points, and granted the same fulfilled concerning the delivery of the said place.

"Whereupon Andrew Agnew son lawful to the said Sheriff, askit instruments necessary ane or ma in name and behalf of his said father.

"This was done at my dwelling-house at ten hours before noon or thereby in presense of Thomas Agnew, Baillie of Stran-

[1] *John, fifth Earl of Cassilis*, was appointed High Treasurer in 1599. Wood says he was removed within a year. In this he may be wrong; or the title of Treasurer was given in courtesy after his being superseded. Moreover, the application for these letters had been made at least a year before.

rawer; James M'Morland, smith; John Smyrlie, servitor to the said Robert; and Thomas Agnew, merchant burgess of Stranrawer. And for the better verification of the said Robert's grant, and approbation of the premises he hes subscryvit thir presents with his hand. ROBERT CAMPBELL,

"*Carrik Pursuant in sign of my approbationing heirof.*"[1]

The farce thus ended, the keys were gravely handed back to the proprietor.

Sir Thomas Kennedy now interfered to put a stop to these unseemly bickerings, and had sufficient influence with his nephew to cause him to allow his dispute with the Sheriff to be settled by arbitration. He invited his son-in-law to the Coiff, whence the Sheriff, trusting to the tutor's safeguard, ventured into the lion's den, and met the earl surrounded by Kennedys at Maybole. Cassilis expressed himself as willing to abide by whatever mutual arbiters should determine; upon which the Sheriff named Kennedy of Baltersane, and the earl, Gilbert Ross. These gentlemen agreed to act, and both signed the following paper:—

"At Maybole the 12th day of November 1601.—A noble and potent Lord, John Earl of Cassilis on the one part, and Andrew Agnew of Lochnaw, Sheriff of Wigtown, on the other part, have faithfully submitted and compromised themselves, by signing the blank on the other side of the paper, to be filled by the final sentence arbitral of Gilbert Ross on the part of the noble Earl, and John Kennedy of Baltersone on the part of the Sheriff, as judges, arbiters, and amicable composers equally chosen by both the said parties, to decern and ordain what satis-

[1] This demand was no doubt made upon the plea of some failure in feudal service.

Such a seizure might be made for debt, if a previous process of horning had been ineffectual. The law of Scotland did not permit imprisonment for debt; but the king occasionally interposed his authority, and by a legal fiction, transmuted a refusal to make payment into a question of loyalty or treason. Lord Cassilis may possibly have obtained these, owing to the Sheriff not complying with his demands for increased duties on certain feus; otherwise, from the only documents relative to his private affairs existing, the Sheriff was usually a lender and not a borrower.

faction in sums of money, or other ways, the said Andrew shall give to the noble Earl for the heritable fews of the lands of Kylfeather, Craigberrinoch, and the Dougarie, within the Barony of Glenluce, appertaining to the said Sheriff in kindlie stedding, and which he alledges should be set to him in few, according to a decreet arbitral pronounced by the late Earl of Murray betwixt the Earl's late father and the Laird of Lochinvar.

"The said Judges have presently accepted these presents and shall fill in the blank betwixt this and the twenty-fifth day of December next to come: and by what the Judges decern and ordain, by that the said parties are bound and obliged to abide.

"In witness whereof both parties have subscribed the blank within; and they, with the judges, have subscribed these presents, time, place, and day foresaid, before Sir Thomas Kennedy of Culzeane, Kny^t^, John Kennedy of Balneil, Thomas Kennedy of Sinniness (and their servants).

(Signed) "JOHN EARLE OF CASSILIS.
"ANDRO AGNEW."

We have somewhat anticipated events, in order to conclude the account of this affair of the "kyndlie rowmes," which made no small stir in Galloway.

An Act of Parliament, dated 19th December 1597, gave the sheriffs and barons, within their own bounds, a summary power to put poachers in the stocks and to kill their dogs.

It ratified all former Acts against "slaying deer, roes, hares, wild fowl, and doves, with hagbuttes, hand-gunnes, crossbows, and pistols, and of taking them with guns and nets;" making it lawful for every sheriff, and baillie, and baron, within his own *bounds*, "to slay all *lying dogges* which the fowlers use for the slaughter of the said wild fowls."

In 1598, the Sheriff and his son, and their ladies, were summoned to assist at the wedding festivities at Culzean, of the young Sheriff's sister-in-law to the young Laird of Auchindrane. The circumstances connected with this marriage were not a little remarkable.

Sir Thomas Kennedy often resided in a house at Maybole, and on the night of New Year's Day in 1597, whilst returning late from a supper party, he was waylaid by Mure of Auchindrane, accompanied by eight or nine retainers.

Mure, jealous of the tutor's influence, had resolved to murder him; and having marked well the way he must return, he allowed his victim to enter a narrow close, of which his followers had taken the accurate range; and on a given signal all fired in the direction of Sir Thomas, who escaped their bullets almost by a miracle.

The tutor stopped a moment aghast, when the assassins rushed in to despatch him; but he managed to scramble over a wall, and, favoured by the darkness, to conceal himself.

Auchindrane then ran with his whole party to the tutor's lodgings, and entered with great violence; but the noise in the meanwhile had aroused the neighbours, and Mure had, in his turn, to fly.

Sir Thomas was soon surrounded by friends, and having thus providentially escaped, he raised an action against Mure, who, failing to appear, was declared rebel, and his lands were consequently forfeited to the crown. Ruin stared the Laird of Auchindrane in the face, when the strange idea occurred to him of offering his heir in marriage to the tutor's daughter.

Young Mure was a fine young man, and hitherto had borne a good reputation; the paternal estates were large; the tutor was not vindictive; the young lady betrayed no aversion; and by the mediation of mutual friends the marriage was arranged, and the guests bidden to it in 1598. Auchindrane, on the occasion, expressed the most abject penitence; and so thorough a reconciliation took place, that we read that "the Laird of Cullayne did so affect the good of the Laird of Auchindrane and his house, that it was no less dear to him than his own." Of the ungrateful return he met with, we shall have yet to tell.

Meanwhile, a rural tragedy occurred within a few miles of Lochnaw. Sir Thomas Kennedy had induced Cassilis to let the farm of Auchnotteroch (now a part of the Lochnaw estate), to a

certain M'Ewen, notwithstanding the earl had previously promised to give it to one Patrick Richartt. This Richartt was foster-brother to the earl's brother, called by courtesy "the Master," who sent word to M'Ewen that if he dared to accept the "rowme" over his foster-brother's head, he "should gar all his harness clatter." M'Ewen, as the story goes, "being a proud carl, and having both Culzean and the Sheriff of Galloway to back him, replied he should take any land my lord would sett him. The Master, receiving this answer in a rage, forgathering with this M'Ewen, slays him, whereat my lord was far offended, and would not suffer him to come into his presence."

The Master, being forbidden to visit his brother, remained then with the Laird of Garthland, and falling in love with his sister, married her, at which, we are told, "my lord was more offended with 'his brother' than he was before." The Master's son, however, by this very lady, in due course, succeeded my lord, and became sixth Earl of Cassilis.

The only official notice taken of the murder was in the shape of a remission under the great seal, granted 14th September 1601, to "the Master of Cassilis, John Boyd his servant, and Hew Kennedy of Chappell, for the slaughter of Andrew M'Ewen in Auchnotteroch."[1]

Though murder was thus easily compounded for on occasions, the majesty of the law was sometimes asserted on small matters appearing to us supremely ridiculous.

In March 1600, Uchtred M'Dowall of Garthland, Alexander Hannay of Sorbie, Sir John Vaus of Barnbarroch, and Alexander Gordon—all Galloway lairds—along with several others from Ayrshire, were summoned under the Act against "landed gentlemen forbearing to keep house in their own dwellings," and had to "compear before the Lords of Session to hear themselves decerned to have incurred the pains *for boarding themselves in oistlar houses!*'

Garthland had already married the Sheriff's cousin Janet,

[1] It is a curious coincidence that, after the lapse of 260 years, the present respectable tenant of Auchnotteroch is a M'Ewen.

daughter of Gordon of Lochinvar, and in 1600 her youngest sister Grissel married Alexander Stewart of Garlies (who was afterwards created Earl of Galloway). Garlies' father had died in 1596, and he himself was not of age, when, with consent of his curators, his marriage was solemnized at Kenmore Castle. Here a large family had assembled—Stewarts, Agnews, M'Clellans, Adairs, and Kennedys—and the festivities, congenial to love-making, were prolific of weddings, three more of which followed in rapid succession.

Rosina Agnew, the Sheriff's daughter, was married at Lochnaw, to William M'Clellan of Glenshannoch, second son of Sir Thomas M'Clellan of Bomby, whose eldest son, Sir Robert, was created Lord Kirkcudbright, with remainder to his heirs male; in virtue of which Rosina's eldest son Thomas became the second Lord Kirkcudbright, who was a well-known and dashing cavalry officer in the troublous days of Charles I.

William Adair, the young Laird of Kilhilt, married another Rosina, daughter of Sir Thomas M'Clellan, the last-mentioned bridegroom's sister. And James Kennedy (of Cruggleton)[1] married, at Lochnaw, Jane, eldest daughter of the Sheriff.

The Bargany faction were now, more than ever, bitter against the Cassilis party; and it appears to have been assumed—from the connection of Sir Thomas Kennedy with the Sheriff of Galloway, and the part he had taken in his favour against his nephew—that if the earl was attacked, he would be little disposed to interfere.

A plot was entered into by the adherents of Bargany to take the life of Cassilis, and the conspirators fancied that the tutor had been won over to their side; having interpreted a casual expression of his as to not intending to accompany the earl,

[1] There are charters of the lands of Baltier to James Kennedy and Jaine Agnew his spouse, dated 23d September 1606; of the lands of Cults to the same, to be holden of his Majesty, 5th November 1606; and one by which "James Kennedy, with consent of Jaine Agnew his spouse, for the causes therein specified, disposes of the lands of Cruggleton Castle, and Cruggleton Kavands, 5th September 1620."

into a promise that he would not be one of the party in a proposed journey to the house of Inche.

It being known that Cassilis was on his way to Galloway, certain men lay in wait for him at Ardstincher, and were about to fall upon him, when their plans were disarranged by seeing that Sir Thomas was beside him. Little aware of how narrow his escape had been, Lord Cassilis rode on and arrived safely at the Inche.

Early next morning, before he had risen from his bed, Auchindrane crossed to the island, and asking to see the tutor, coolly reproached him "in respect that he had broken promise," and "talkett with him the space of ane hour." Cassilis meanwhile, conceiving some suspicions, sent orders from his bed-chamber that the boat should not be allowed to take Mure from the island, and then descending joined him and the tutor in the court-yard.

He then accused the Laird of Auchindrane with plotting to take his life, which the laird indignantly denied, but nevertheless the earl informed him he must be detained a prisoner.

At this moment dinner was announced, and as the earl turned to enter the house, Auchindrane's man, having slyly ascertained that the boat was not fastened, beckoned to his master, and he, with Ardmillan's brother (another conspirator), jumped instantly into the boat, pushed off, and ere they could be overtaken, they gained the shore, leaped on their horses, and escaped.

A short time afterwards the Laird of Bargany was mortally wounded in an encounter with a party of Cassilis's adherents, to the great regret of the whole countryside. He had married Janet Stewart, daughter of Lord Ochiltree, and sister of John Knox's second wife,[1] and by her he left a son Thomas, who died unmarried, when the direct line of Bargany became extinct in the person of the eighth baron. The line was carried on by Hew Kennedy, descended from Hew, second son of Thomas Kennedy of Bargany (fifth baron), who, as mentioned before, married Katherine, heiress of Bennane.[2]

[1] In all peerages he is erroneously stated to have married a Gordon of Lochinvar.

[2] The family is now represented by Hew F. Kennedy, Esq. of Benanne and Finnarts.

In parting with Gilbert Kennedy of Bargany, we shall quote a tribute to his memory, penned by a contemporary hand, which is a fine specimen of the idioms of that day :—

"He was the brawest manne that was to be gottin in ony land; of hiche statour and weill maid; his hair black, bott of ane cumlie face; the brawest horsemanne and the ebest[1] of mony at all pastymis. For he was feirse and feirry, and winder nembill. He was bot about the aige off twenty-fyve yeirs quhanne he was slayne, bot of his aige the maist wyise he mycht be; for gif he had tyme to add experianse to his witt he had bein by his marrowis."[2]

Of his father it had been said (and it was equally true of the son)—

"He was wyise and courteous, and therwith stout and passing kind, and sik ane nobell spendar on owttingis, with the best halding hous at hame that ever was in the land. He had ever in his house twenty-four gallant gentlemen, double horsed and gallantly clad; with sik ane repair to his hous,[3] that it was ane wonder quhair the samin was gotten that he spendit."

After the unfortunate affair which had thus resulted in the death of Bargany, Cassilis repaired to Edinburgh to set himself right with the authorities—which he might have found it difficult to do, had not his uncle, Sir Thomas Kennedy (between whom and himself there had latterly been some coolness), joined him there, and by his influence obtained an act of council freeing his nephew from all blame in the matter.[4]

The Laird of Culzean then rode back to Galloway, where he "remaynit ane gret speace" with the young Sheriff and his daughter—a visit destined to be the last.

[1] We doubt if "ebest" is to be found in any dictionary; it is an expressive word, probably common of old in the west (an *extra* superlative to best), THE VERY FIRST.

[2] He would have surpassed his contemporaries.—From *Historie of the Kennedies.*

[3] So many visitors. [4] Historie of the Kennedies.

CHAPTER XIX.

MURDER OF THE LAIRD OF CULZEAN.

Ah Kennedy! vengeance hangs over thine head,

. . . . . .

But why do the matrons, while dressing the dead,
Sit silent and look as if something they knew.
Say, was there foul play? then, why sleeps the red thunder?
Ah! hold, for suspicion stands silent with wonder.—HOGG.

MANY plots had been formed to waylay Sir Thomas Kennedy, which had been as often defeated by his circumspection. But now the friends of the late Bargany, according to the unfortunate fashion of the times, felt it a sacred duty they owed to their chief to make a renewed attempt upon a man of note among the adherents of Cassilis.

Mure of Auchindrane had, under the guise of grateful friendliness, retained a deadly hatred to Sir Thomas in his heart. Of this the latter was quite unconscious; he admitted young Auchindrane to his family circle with parental cordiality, and had on many occasions advanced the interests of his father.

This bad man continued, nevertheless, to watch the Laird of Culzean with an evil eye; and turning the tragedy in the Bargany family to the advantage of his own vile purposes, he worked upon the late laird's relatives to compass the slaughter of Sir Thomas Kennedy (who had not even been present at the encounter in which their chief was disabled), representing it as a grand and justifiable act of revenge.

Sir Thomas had to repair to Edinburgh on business in the spring of 1602; and before setting out he sent a letter to Mure himself, asking him to meet him by the way, thus unconsciously revealing his plans to his deadliest foe.

Culzean's servant, not finding Auchindrane at home, went to

Maybole, and there dictated to a schoolmaster a message he had received, which, with the other letter, he despatched by a poor scholar named William Dalrymple to the place where Mure was said to be.

These were duly delivered to Mure, who, on reading the letters, returned them to the bearer, bidding him give them back to the tutor's servant, and not mention he had found him.

Auchindrane at once communicated the news to Kennedy of Drummurchie, the deceased Bargany's brother, and to Mure of Clencaird, another deadly enemy of the tutor's; and all having agreed that this was too favourable an opportunity to be lost, they proceeded next morning, with three or four retainers well armed, to lie in wait for their victim among the sandy hills close to St. Leonard's Chapel.

Sir Thomas meanwhile set out on the morning of the 12th of May, and called on his way on Kennedy of Baltersane, at Greenan (who a few months before had acted as arbiter for Sir Andrew Agnew, the Sheriff, in his arrangement with Lord Cassilis). Greenan Castle stood on a rock overhanging the sea, about two miles from Ayr; and its esplanade was distinctly visible to the liers-in-wait among the sand-hills.[1]

Here Culzean remained some time in conversation with the laird, when, wishing him adieu (all this being seen plainly by the assassins), he mounted, crossed the water of Ayr at Holmstone-ford, and, attended by one servant only, came on riding at an ambling pace, "being in full securitie of his dangerless estate." Here his enemies "brak at him, and slayed him most cruelly with shots and strokes:" they then plundered him of his purse with eleven score rose nobles; a ring of gold, certain other rings containing nine diamonds set therein; six dozen gold buttons of goldsmith's work, as well as his sword, belt, and

[1] "The Laird of Colzeone, cuming to the Greine and lichttitt, and remaynitt with Balterssane ane lang speace. The quhilk Thomas and his, being in Air seing him licht at the Greine, thay drew thame selffs in among the sandy hills, and held thame quyatt quhill he cuming by the toune, ryding one ane small haikney they brak att him," etc.—*Historie.*

hanger. It is not quite certain that Auchindrane, the principal instigator of this cowardly deed, actually took part in the killing of Sir Thomas, though he was certainly hard by; and the other assassins, having robbed their victim, retired to their homes with all speed.

The children of the tutor soon heard of their doings, and possessed themselves of his mangled corpse; and his relatives, having assembled from far and near to pay the last solemn mark of respect to their departed friend, left no means untried to discover his murderers.

Notwithstanding very general suspicions against him, Mure, unabashed, remained in the country, presented himself to underlie the law, and as no evidence could be proved against him he boldly demanded an acquittal; but so strongly did public feeling run against him, that notwithstanding his indignant protest, the judges adjourned his trial.

He then offered trial by combat to his accusers, but this they wisely declined. A qualm of terror now crossed his mind when he thought of the poor scholar, Dalrymple, whom he had prompted with a lie; and he felt that at all hazards this evidence must be got rid of.

He therefore seized on the poor lad, who had few friends, and kept him a close prisoner for many months, after which he sent him to Arran. Hence the poor lad, neglected and half starved, at last effected his escape, and returned to his home; but again the murderer pounced upon his victim, and by the connivance of a kinsman had him transported to Holland, where the youth was obliged to serve as a soldier in Lord Buccleuch's regiment.

Six years the unfortunate student was thus held to involuntary service; until, at last, having survived the hardships of the camp, he re-appeared in Ayrshire, forgotten almost by every one excepting his evil genius.

The Laird of Auchindrane now caused a vassal of his, named Bannatyne, to entice Dalrymple to his house on the sea-shore, not far from Girvan; and having him safely lodged there, at dead of night Mure and his son caused Bannatyne to bring out

Dalrymple to the sands, and there they murdered him. So deliberately was this deed done that they had brought with them tools to dig his grave; but as they worked at their godless task, the water rose in the hole as quickly as they formed it, and the sand shooting in baffled all their efforts. Tired and alarmed, they endeavoured to rid themselves of the body in the sea; but the waves sullenly refused to accept the charge, and all their labour was in vain. Morning dawned upon them, wet up to their waists, weary and conscience-stricken. They then desisted from their endeavours in despair; and, seeking shelter and concealment, passed the following day in great alarm. At night they sallied forth again to their horrible labour, when they found that the tide had at last washed the corpse away; and, satisfied at this result, they returned to their homes. But within five or six days the same currents which had borne the body out to sea restored it again to the beach at the very spot where the murder had been committed. Here it was found by the country people, who, knowing nothing of the matter, simply gave it decent burial in a neighbouring churchyard.

And now a singular episode occurred in this tale of horrors. Dalrymple had a very long time before been a servant to Sir Thomas Kennedy's heir. This gentleman, as he lay asleep, dreamed first that he saw this very man slaughtered, and then that he was buried in that identical churchyard. He dreamed further that he saw him disinterred, and, still dreaming, he observed a mole on his left breast which he remembered him to have had in former times; hardly knowing why, he felt himself impelled on awakening to verify the fact.

The corpse was found according to his dream! and in compliance with the invariable custom of the times, all the people in the neighbourhood were summoned to touch the body, in order to clear themselves of guilt.

They all obeyed, and all went through the ordeal unconvicted—Mure and his son being absent, and as yet not accused; but a little girl of Mure's, living with a neighbour, having joined the crowd out of curiosity, "when she drew near the

corpse, to the admiration of all people, did spring out upon her an abundance of blood." This was solemnly deposed to; and (how far it may have been fanciful is nothing to the purpose) the effect of the statement was the public accusation of the Auchindranes, father and son, who were summoned to underlie the law.

They fled; but the father was soon arrested, and the son, having persuaded Bannatyne to keep out of the way, boldly surrendered also, and both were put upon their trial. As before, no evidence was forthcoming; but on the pretext of some slight contradiction, an order was procured from the king to examine the young laird by torture. He bore up, however, gallantly under his sufferings, and public feeling even began, and not unnaturally, to run in his favour, as most well-disposed persons "much misliked that form of trial."

His friends offered to become security to the amount of twenty thousand pounds for his re-entry if called on. But nothing would induce the king to allow either of the prisoners to be released, as he persisted in believing that they were the murderers, and that God in his good time would manifest the same.

Great efforts were made all this time to secure Bannatyne, who succeeded for long in eluding his pursuers; but on hearing that the younger Mure had offered to assist in the search, he became alarmed, and as the safest course, surrendered himself and confessed all that he knew.

It thus fell out that, on the 17th July 1611, John Mure of Auchindrane, James Mure younger, and James Bannatyne of Chapeldonnan, were again solemnly arraigned before the High Court of Justiciary, and there charged with "the treasonable murder of Sir Thomas Kennedy of Culzean, tutor of Cassilis, committed by the former two; and the murder of William Dalrymple, committed by all the three."

Bannatyne, as approver, confessed his guilt, only alleging that he was certainly the least culpable of the three.

Yet so well did the father and son agree in their contradictions of the king's evidence, that the Lords of Secret Council

feared they would be acquitted. The assize, however, unexpectedly returned a verdict of guilty against all three, and they were instantly sentenced to have their heads stricken from their bodies, and to forfeit all their goods to the king.

All hope being now at an end, the younger Mure confessed the whole, and at last, with much difficulty, persuaded his father to do the same; much to the satisfaction of the public. A contemporary, warming as he records their tardy repentance, thus concludes his dismal tale:—

"Their godly resolution to make haste to receive the eternal joys, which they expected assuredly at God's merciful hands, gave as great comfort to the beholders of their execution, as their wicked lives had been offensive to those who knew the actions thereof."

Sir Thomas Kennedy left four sons and three daughters; of whom, as already stated, the eldest had married "the young Sheriff of Galloway;" the second, Helen, was the wife of James Mure, from whom it may be presumed that she had long been separated before his execution; and she afterwards re-married Sir John Fergusson of Kilkerran. The third married a nephew of the Sheriff, Sir Patrick M'Kie of Larg; and he, after her death, married a daughter of the Laird of Garthland.

James, the eldest son, whose dream was so strangely instrumental in detecting his father's murderers, died without issue; and Alexander, his next brother, carried on the line, whose great-grandson, Sir Thomas Kennedy of Culzean, was served heir to his distant relative, the eighth Earl of Cassilis, in 1760; and from him descends the present Marquis of Ailsa.

In 1600 Uchtred M'Dowall died, and was succeeded by his son John, whose wife was niece of the former, and cousin of the present Sheriff. He is said to have been a profuse man, and to have alienated a great many lands that had been long in his family.

In 1603, on James' succession to the English crown, including that of Ireland, the Sheriff, as well as many others of the old Scotch proprietors, expected support from a native sovereign

in re-asserting their rights. His intentions, it is believed, were excellent, but being eminently a man of peace, he found it much easier to confirm the piratical Scots in the lands they had won, than, by expelling them, to satisfy the absentee Scots who had been denuded of their property. Hence, following out Queen Elizabeth's policy, he signed grants to the chief of the Macdonnells of large districts in Ulster, and shortly after created him Earl of Antrim.

Such of the old proprietors as desired to retain possession of any part of their former lands, were now obliged to hold under the Antrim family; however distasteful this arrangement may have been to the Sheriff, he had no alternative; and under this inferior tenure a considerable estate was enjoyed by his successors for four generations.

As some compensation for his ill luck in Ireland, the Sheriff simultaneously increased his Galloway estates and acquired the lands of Cults, including Baltier and Kevands. The deed conveying these lands to the Sheriff from his son-in-law, James Kennedy,[1] was signed at Lochnaw "in presence of Quentin Agnew, lawful son of the said Sir Andrew Agnew;" and among the charters which then came into his possession, as evidents, is a curious one by the Earl of Douglas to John *de Cavens*, dated 1421—showing the origin of the word Kevands, which, though much altered by modern orthography, is always pronounced Cavens.

At this time, Alexander Hannay, of the ancient house of Sorby, being led into many excesses in a feud with Murray of Broughton, had a great part of his estates escheated in the years 1604 and 1607: there are on record royal gifts of the lands so forfeited.

Early in the seventeenth century the Earl of Cassilis built

[1] There are two charters of Cruggleton Castle and the contiguous lands to "James Kennedy, and Jaine Agnew his spouse:" one from Peter M'Dowall of Machermore, who seems to have been in actual possession under Sir John Vaus, as superior; the second from Dominus Johannes Wauss de Longcastle Miles; signed Barnebarroch, who, as superior, confirms the above, dated 23d Sept. 1606.

Castle Kennedy on a tongue of land between the two lakes; on an island of one of which his previous house was situated. In the course of 1607, whilst the building was in progress, Cassilis, in riding up thither from Ayrshire, when at Girvan Bridge, stumbled suddenly at dusk upon Thomas Dalrymple, brother of the Laird of Stair. In the twilight the unfortunate young man was "hard at my Lord's men e'er ever he knew them." He was instantly seized, being one of many of the Bargany faction who were then "at the horn," for laying in wait for Cassilis himself at Maybole in December 1606. The earl carried him to Craigneil, and "next morning gave him an assize and hanged him on a tree."[1]

In revenge for this summary execution, Mure of Cloncaird, a friend of Dalrymple's, rode off to Galloway, and there, in cold blood, slew the master of the works at Castle Kennedy, David Girvan by name, and a perfectly innocent man.

In the same year, the Laird of Garlies, Sir Alexander Stewart, was raised to the peerage by the title of Lord Garlies.

In 1608, Ninian Adair, the Sheriff's cousin, died, and was succeeded by his eldest son, William, who had previously, by a charter under the great seal, been constituted commendator of the abbacy of Soulseat; Sir John Johnstone having received his demission, having either burnt more houses, or celebrated mass! Soon after, William Adair exchanged Dunskey Castle and the property adjoining, with Sir Hew Montgomery of Braidstones (afterwards created Viscount Airds), for the lands of Ballymena in Ireland.

Portpatriek, owing to its advantages as a short sea passage, was much frequented by travellers at this period. The harbour was then little more than a recess between two rocks, and the boats

[1] Lord Cassilis' act may seem harsh, the more so as Dalrymple and my lord "were third and secundis of kin;" but when the author of the history talks of Dalrymple "as ane pretty little manne, and werry kind," and "quha was ane manne that had never offendit manne," he exhibits curious notions as to what were causes of offence—Dalrymple having avowedly lain in wait to shoot Lord Cassilis as he passed, a very few months before; for which he was a fugitive from justice at the moment he was caught.

used were flat-bottomed, and regularly beached on each arrival. When the expected paçket-boat approached, it was the way of the place for the inhabitants to turn out, and all bearing a hand, to drag the vessel high and dry.

The area of the present parish of Portpatrick was then simply designed "the black quarter of the Inch;" but the village had a chapel of its own, called Chapel Patrick. It derived its name from that worthy Scotsman whom the Irish have so ununhesitatingly accepted as their patron saint; it being the scene of several of his achievements.

Once, when about to revisit his native land, he crossed the Channel at a stride, leaving the mark of his foot distinctly impressed on one of the rocks of the harbour; unfortunately, in making a new jetty, this interesting memento was destroyed.

He performed a still more wonderful feat upon his return. Having preached to an assembly on the borders of Ayrshire, the barbarous people seized him, and amidst shouts of savage glee struck his head from his body in Glenapp. The good man submitted meekly to the operation; but no sooner was it over than he picked up his own head, and passing through the crowd walked back to Portpatrick; but finding no boat ready to sail, he boldly breasted the waves and swam across to the opposite shore, where he safely arrived (according to the unanimous testimony of Irishmen innumerable), holding his head between his teeth!

On acquiring the Adair property, the new laird made a futile attempt to change the name of Portpatrick into Port Montgomery; government acquiesced in his whim, and in the official records of the time that designation may be found. But, popularly, the old style was always preferred; tradition asserted its power, and after a tenure of three generations the Montgomerys disappeared from the county, and the name of Port Montgomery disappeared along with them.

In 1628, Portpatrick (as Port Montgomery) was constituted a parish as at present, and Soulseat was annexed to Inch.

In 1611, John M'Dowall of Garthland died, and was succeeded by his son of the same name, who married Margaret Ker,

daughter and co-heir of Andrew, Lord Jedburgh. This lady was nearly related to King James' favourite, Sir Robert Ker, Earl of Somerset; and through this connection Garthland was well received at court, where he was knighted. There was considerable rivalry between the houses of Garlies and Garthland at that period for the title of Galloway, by which both claimed to be ennobled. Sir Alexander Stewart having been gazetted Lord Garlies, Sir John M'Dowall appeared to be on the point of succeeding, when his hopes were blighted, and his money lost (as a bribe in these days was essential in all court intrigues), by the fall and disgrace of Somerset.

"It is related," says Crawford, "with great confidence, as a truth not to be questioned, that at this time (1613) he had view of being brought into the peerage, and affected to have had the title he was to be advanced to from the country of Galloway, upon a claim, he no doubt thought he had a good right to, as being lineally descended of the ancient lords of Galloway. But while Sir John M'Dowall's affair was in dependence, the story of Sir Thomas Overbury's murder broke out, in which foul affair both the Earl of Somerset and the Countess being too deeply engaged and privy thereto, the earl not only lost his court friends, but both he and his wife were condemned to die.

"This calamity, as it ruined the credit of the Earl of Somerset with the king, so it broke all the measures his friends had in view of raising themselves to places either of honour or of trust; and among others, his friend Sir John M'Dowall was baulked of his title of honour, which, by the interest of the Duke of Lennox, was conferred on Lord Garlies, who had been his rival about it; who, at the same time, was his brother-in-law.

"After the fall of the Earl of Somerset, Sir John M'Dowall retired from court and lived in great splendour in the country, and in a general respect from everybody near him."

The Sheriff, in his advancing years, was surrounded by a large group of grandchildren; his eldest son alone having at this time ten sons and daughters; amongst these was his daughter Rosina's only son, who afterwards succeeded as Lord Kirk-

cudbright. His wife predeceased him by some years. Various members of his family are mentioned in a registered discharge, of which the substance is as follows:—

"Be it kend to all men be thir present letters: We, Andrew, Alexander, and Quintene Agnewis, Lawfull sones to ye Rycht Honourabell Sir Andro Agnew of Lochnaw, Knycht, Sheriff of Wigtoun; forsameikell as ye said Sir Andro Agnew our Father has contentit and payit to us and ilk ane of us the full and haill soumes of money quhereupon we were infeft in wadsett in our said Father's lands of Olbrick, Clenderie, and Sequhan," etc. . . . "in satisfaction of all portions natural, and Bairnes part of geir, quhilk befel and appertenit to us be right of Umquhile Agnes Stewart our Mother . . . be the tenor hereof we discharges the said Sir Andro Agnew his heirs and successors all and haill of the said lands.[1]

"At Lochnaw the fyftene day of November the yeir of God 1616, before yir witnesses, Sir Patrick M'Kie of Larg Kny^t^, William Agnew of Croach, Mr. Thomas Minister of Leswalt, and Gilbert Agnew, merchant in Stranraer."

Of these sons, Andrew, the second, married Mary M'Dowall; but to which branch of that family she belonged we cannot tell. Alexander acquired the lands of Barvennane and Mellen, and had a son, Patrick, who succeeded him in 1630, and apparently ended his line.

The Sheriff died towards the close of the year 1616.[2]

[1] On the 26th January 1611, Alexander acquired the lands of Barvennane from Sir John Vaus. Of these the Bishop of Galloway was superior, from whom is a charter (from William, Bishop of Galloway), to Alexander Agnew, confirming the land to him, dated 27th January 1614.

There is also a precept of clare constat, by Andrew, Bishop of Galloway, to *Patrick Agnew, son and heir of* Alexander—25th February 1630.

There is also a disposition by James Gordon of Hasselfield, of the land of Mellen, to Alexander Agnew—21st November 1609.

[2] In a discharge for 6000 merks to Sir Patrick Agnew, his elder brother, Andrew Agnew signs himself "In Knocktym"—the date is 17th December 1617. Witnesses, "Alexander Agnew of Meikle Tung (his next brother), Quinten Agnew, our brother; William Agnew of Croach; and Gilbert Agnew of Galdenoch.

CHAPTER XX.

THE EIGHTH HEREDITARY SHERIFF.

I canna tell a', I canna tell a',
Some gat a skelp, and some gat a claw.
GALLOWAY SONG.

SIR PATRICK AGNEW was served heir to his father on the 17th January 1617.[1] There is an omission in the service of the bailliary of Leswalt; this was owing to the opposition of Lord Cassilis, of which we shall have more to say.[2]

He had been previously knighted, at what date we have not discovered. Playfair simply mentions he "had the honour of knighthood conferred on him by James VI.,"[3] and there is no family record of it. As in his father's case, it was an honour but lightly esteemed; for he seldom designs himself by any other title than that of Sheriff.

Under the date 17th June 1617, a few months after his succession, a precept from the Exchequer was issued, for "infefting Sir Patrick Agnew of Lochnaw, etc., in a house and yard in the Town of Stranraer, which formerly belonged to John Adair,

[1] "Hæres Domini Andreæ Agnew de Lochnaw, Vicecomitatis de Wigtoun, Patris, officiis Vicecomitatus de Wigtoun, et Constabulariæ de Lochnaw, Bailliatus Baroniæ et terrarum de Saulsyde et Drumestoun."—*Inquisitiones.*

[2] "At Baltier and Cults, 22d Nov. 1619—In presence of William Agnew of Barmeill, one of the Sheriff-Deputes of the Sheriffdom of Wigtoun, compeared personally John M'Cairlie and Henrie Hannay in Baltier, quha at command and desyre of James Kennedy of Crugilton, became brunt to pay and delyver to the Ryt. Honll. Sir Patrick Agnew of Lochnaw, Knyt., Sheriff of Wigtoun, equally betwixt them, the number of twelve bolls bear, and aucht bolls meill, guid and sufficient stuff, missor of Wigtoun. Comperit also James Jerdan in Cults, and William Caiche," who bound themselves—Jerdan to pay ten bolls bear, and Caiche to pay twelve bolls bear, and fourteen bolls meal, to the said Sir Patrick, etc.

"Comperit also the said James Kennedy of Crugiltoune, and gave actual and real possession to the said Sir Patrick, of the lands of Baltier and Cults."

[3] British Family Antiquity.

burgess thereof, *who being a bastard, died without issue*, or making a settlement." This suggests the question, Was this a Sheriff's perquisite of office?

An Act of Parliament, passed soon after Sir Patrick's succession, not only instructed sheriffs to apprehend drunkards and put them in the "juggs," but further empowered them to convict any persons "for haunting taverns and ale-houses, after ten hours at night;" indeed, at their discretion, they might punish the lieges for doing so at any time of day, "excepting in time of travel, or for ordinary refreshments."

The following year the county of Wigtown was instanced in Parliament as being, along with the shires of Lanark, Dumfries, Roxburgh, and Berwick, notorious for using incorrect weights and measures. Consequently the Sheriff was "recommended to correct the same," and to desire the various baillies within his jurisdiction, "to convene within the head borough, within twenty days, there to receive and embrace the weights and measures" by law established, and carefully to mark the difference between these, and those then in use.

If, however, the good Gallovidians used measures peculiar to themselves, they had at least the reputation also of giving "*down weights*" on everything they sold.

A story is told of a person presenting himself to the guidwife in a remote district, and asking for a pound of butter. The "ouncle weights"[1] were rummaged over and over, but the "pun-stane" was nowhere to be found—the smallest weight at hand being the mealstone quarter, which obviously would not do. The honest woman took a long thought, till, whilst pondering deeply, her brow brightened up. "I ken how we'll manage it noo!" she exclaimed; "the gude man brought hame a pair o' tangs yestreen, which weighed in the smithy just twa pun. Sae stand by, and I'll soon weigh you wi' them your butter."

[1] "*Ouncle weights.*" A general name for all the weights used about farm-houses in Galloway. It is an old provincial term. These weights were generally made of sea stones, roughly regulated to some standard.—See M'Taggart's *Gallovidian Encyclopædia.*

Producing the tongs in triumph, she put one leg *in* the scale, and let the other hang out. The beam got its swing, and the stranger carried off his butter, highly satisfied with his experience of a Galloway pound.

In the summer of 1618 a crime of unusual atrocity produced a great sensation in the Sheriffdom. John Maxwell of Garrarie,[1] ane "landed gentleman worth three thousand merks of yearly rent and above," possessed himself by fraud or violence of the entire property of John M'Kie of Glassock, whom he forced to sign a resignation to himself of all his lands—M'Kie to receive a stipulated yearly payment from Maxwell. This annuity was soon allowed to fall into arrear, and M'Kie, in default of payment, lived entirely at Garrarie. Here his presence became irksome, and his oppressor, aggrieved at the wretched man presuming to live on at all, determined to make his a terminable annuity! To effect this, he deliberately planned a diabolical murder. Accompanied by his son and servants, he waylaid M'Kie as he was returning to Garrarie, now his only home, in the dusk of a summer's evening, killed him, and threw his body into a moss-hole.

None but the guilty parties had witnessed the deed, but providence did not permit it to pass unavenged. Suspicion fell so strongly upon Maxwell, that Sir Patrick as Sheriff felt himself bound to arrest him. Lord Garlies and M'Kie of Larg assisted the murdered man's son in the prosecution; strong circumstantial evidence was obtained; and after some delay Maxwell was removed in custody to Edinburgh, and there arraigned and tried. The "dittay" before the High Court of Justiciary was as follows:

"Johne Maxwell of Garrarie having in his politic and crafty manner upon conditions best known to himself, conqueist and acquired from Johne M'Kie of Glassock his haill worldly moyane and estate, and thereby drawn him to his daily company and attendance: He furth of his avaricious and churlish

[1] In the Monteith charter-chest are deeds signed by Johne Maxwell (and Lord Herries as superior), confirming lands named in them to "Garrarie," on the resignation of John M'Kie of Glassock.

disposition, loathing and wearying of the said John M'Kie's company, in the month of July 1618 to rid and exoner himself of his company, devised and concluded in his develish heart the pitiful and treasonable murder of the said John M'Kie as follows :—finding the said John for the most part making his daily residence with him at bed and board within his place at Garrarie, upon the 18 July, knowing the time of John M'Kie's dyet in coming to his house, under silence and cloud of night accompanied by George Maxwell his son and others with swords and invasive weapons, on John his coming to the said place, put violent hands on his person, bound both his hands and feet, and thereafter in most cruel and merciless manner playing the part of hangman, with a hair tether strangled and wirreit him to death; and having by that violent and cruel meane bereft him of his life, thereafter carried him to a peat moss or burn called the Burn of Ravenstoun, wherein they flang him."[1]

On this charge, upon full consideration, Maxwell of Garrarie was found guilty; and was beheaded, as he justly deserved, on the 2d of April 1619.

As an incident in connection with this trial, it is stated that seventeen gentlemen of the district, among whom were Sir John Dunbar of Mochrum, James Kennedy of Cruggleton, Alexander Dunbar younger of Mochrum, George Gordon of Barskeog, and Alexander M'Culloch younger of Myrtoun, were all fined one hundred merks each for declining to serve upon the assize.

A party fight, resulting in loss of life, happened about the same time upon the Water of Luce. By this stream lived James Ross, the Sheriff's cousin, at the Place of Balniel; and just opposite this, on the western shore, stood the house of Larg (not to be confounded with the more important place of the same name in the Stewartry).

Larg was the residence of the family of Lin (or Lynne), small lairds whose name is now extinct. These Lynnes were said to have been a violent and a fiery race; and it is told that, in

[1] Pitcairn's *Criminal Trials.*

defiance of law, they used to fish the whole waters of the Luce. Hence feuds soon originated between themselves and their neighbours, the Rosses and the Hays, whom at last the Lynnes dared to fish at all in the debated waters. The latter accepted the challenge, and turning out in force fished unmolested some miles of stream, till on their reaching a bend of the river near "the Moor-kirk of Luce," the Laird of Larg with a strong following rushed upon them "with invasive weapons," and a battle ensued, in which three of the sportsmen were left dead upon the ground. No legal proceedings followed this murderous fray, but the spot where the fight raged hottest is still known as "the Bloody Wheel."

Lochnaw was meanwhile the scene of much love-making and festivity. Within a short time, the worshipful Sheriff married no less than five of his daughters to neighbouring proprietors in the county. His second daughter Jane[1] led off the matrimonial ball, marrying in 1621 Alexander M'Dowall, Laird of Logan; the following year her eldest sister, Agnes, was married to her cousin Uchtred M'Dowall, Laird of Freuch;[2] and three years later the young laird, their brother, married Lady Agnes Stewart, only daughter of the Earl of Galloway. We extract a few sentences from their marriage-contract:—

"It is agreed between ane potent Erle, Alexander, Erle of Galloway, for himself and taking burden upon him for Lady Agnes Stewart, his lawful daughter, on the one part; and Sir Patrick Agnew of Lochnaw, Knycht, Sheriff of Wigtoun, and Andrew Agnew his son and apparent heir, on the other part; forsameikle as the said Andrew shall, God willing, marry and to his lawfull wyfe take the said Lady Agnes, and solemnize the bond of matrimony in presense of Christ's congregation between the date hereof and the last days of July next to come. . . . The said Sir Patrick binds himself to infeft duly and sufficiently the said Andrew and Lady Agnes in the lands Craichmore, Auch-

[1] There were settled upon her for life for her dower the lands of Auchness, Chapelrossan, Park, Balangown, and Grennan.

[2] Agnes Agnew's great-grandson married Lady Elizabeth Crichton, and by her brought the Earldom of Dumfries into the family of Freuch.

neel, etc., in the parish of Leswalt,—the lands of Calquhirk, lying among the Borough Acres of Wigtoun,—the lands of Craigbirnach in the parish of Glenluce, etc. etc., for the quhilk solemnization and other causes specified the said noble and potent Erle binds himself, his heirs, etc., to content and thankfully pay to the said Sir Patrick Agnew, the sum of eight thousand merks in name of tocher with his said daughter—to witt, 2000 merks at the feast and term of Whitsunday 1626; 3000 merks at Whitsunday 1627; and the sum of other 3000 merks at the term of Whitsunday 1628. And in like manner, after the accomplishing of the said marriage, to entertain the said Andrew, his future spouse, their servants and retinue, according to their rank, for the space of two years next thereafter, which being expired, the said Sir Patrick binds himself to entertain them and their servants in the same manner for the space of one year thereafter.

"Written by Wm. Stewart notary and servitor to the said noble Earl, at the Place of Glastoune, the 22d day of March 1625 years, before these witnesses—John Ahannay of Sorbie; Mr James Adamson, minister of Penninghame; Mr Abraham Henryson, minister of Quhithorne; Alexander Stewart in Larg; and William Agnew of Barmeill."

By these provisions the young couple were saved all the cares and expenses of housekeeping for three years.

It is a proof of the scarcity of money that a potent Erle could promise no more than 8000 merks (less than £450 sterling) to an only daughter for her portion; and that even this sum was only to be paid by instalments. And, more surprising still, we find that, eleven years after, not one farthing of the money had been paid; and that, after vainly trying to obtain a settlement, the Sheriff sued the noble Earl for the amount, and obtained a decree from the head courts commanding immediate payment.[1]

[1] "Charles by the Grace of God, etc.—Forasmuch as by a contract made and perfected betwixt our r^t. trustie Cousin and Councillor, Alexander Earl of Galloway, and Sir Patrick Agnew, of Lochnaw, Knight, Sheriff of Wigtown, of the date 22d March 1623, anent the marriage then contracted and thereafter solemnized between Andrew Agnew and Lady Agnes Stewart, the said Earl bound himself to

John Ahannay of Sorby, who signed as a witness in this marriage-contract, was the eldest son of Alexander Ahannay before mentioned. Unfortunately for himself, he revived the old feud in which his father had been engaged with Murray of Broughton, and he in his turn had more of his paternal estate escheated. Having thus fallen into difficulties, he disposed of the lands of Creloch to the Sheriff; and in his lifetime the old family place of Sorby passed into other hands. He himself was eventually killed in a quarrel in 1640.

Patrick Hannay, his younger brother, both a soldier and a poet, wrote many pieces of high literary merit, and has had the posthumous honour of having a volume (and that containing only a part) of his works sold for £42 : 10s., at Sir Mark Syke's sale thirty years ago.[1]

He attained to the military rank of general of artillery under the king of Bohemia, and published a collection of his poems in 1622, from which—as Galloway poets are rare—we may be allowed to quote two short fragments.

First, a few verses from a sonnet, entitled

AMANTIUM IRA AMORIS REDINTEGRATIO EST.

. . . . . .

"The dearer love, the more disdain,
When truth is with distrust requited.
I vow'd in anger to abstain;
She found her fault and me invited.

"I came with intent to chide her,
'Cause she had true love abused;
Resolved never to abide her—
Yet her fault she so excused

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have paid Sir Patrick the sum of 8000 merks in name of tocher;—we will therefore and command the said Alexander Earl of Galloway to pay to the said Sheriff the foresaid sum of 8000 merks within six days next after he be charged by me thereto, *under the pain of rebellion and putting of him to our horn.*—15 day of April and of our reign the twelff year 1636.

[1] Literary History of Galloway. *Hannay* is the modern form of the name.

"As it did more me entangle;
Telling true love must have fears;
They never loved that ne'er did wrangle—
Lovers' jars but love endears!"

The next specimen is in a more saucy style :—

"The maple, with a scarry skin,
Did spread broad pallid leaves;
The quaking aspen, light and thin,
To the air free passage gives—
Resembling still
The trembling ill
Of tongues of womankind;
Which never rest,
But still are prest
To wave with every wind."

A third brother of the house of Sorby, Robert Hannay, also a soldier, stood high in the royal favour, and was created a baronet in 1629, by the style of Hannah of Mochrum. He was killed fighting as a royalist in 1642. About 1762, Samuel Hannay of Kirkdale was served heir male and of line of the said Sir Robert Hannah of Mochrum.

In 1627, Charles I. somewhat unadvisedly ordered the surrender to himself of all the tithes throughout the country; a very unpopular step, and a bold one, considering that the most powerful families in Scotland had recently been enriched by church property. Royal commissioners were sent to arrange the matter, and the barons were ordered to elect two of their number in each county to negotiate with these officers.

In Wigtownshire, Sir Patrick Agnew and Sir John M'Dowall of Garthland were chosen by their brother barons. Crauford mentions that he had himself seen the commission to the two knights, signed by most of the "gentlemen and heritors of the shire, wherein the constituents oblige themselves to abide firm and stable in whatsoever their commissioners should do in the matter." Dated at Wigtown, 27th June 1627.

The abbey of Glenluce had now become ruinous; indeed the old house of Park is said to have been mainly built out of the spoils of this edifice when it first was allowed to decay.

The vault where Michael Scott had confined the plague was alone left unplundered. Glenluce had always something of an "uncanny" reputation; but now, freed from the presence of the monks, witches and ghosts played greater pranks than ever.

A labouring man's wife, a sensible decent woman, being detained from home late, was returning, and not without many misgivings, as the midnight hour approached—

> When the gray howlet had three times hoo'd,
> When the grimy cat had three times mewed,
> When the tod had yowled three times in the wud
> At the red moon cowering ahin the clud;
> When the stars had cruppen deep i' the drift,
> Lest cantrips had pyked them out o' the lift—

Sure enough, when within about two miles of Glenluce Abbey, at a spot known as the Clay-Slap, she met a large troop of females, as to whose cloven-footed leader she could not be mistaken. She was frightened enough at the rencontre; but her consternation waxed greater still as one by one she gradually recognised every member of the company, among whom were even the ladies of the manor.

The party stopped her; and having foolishly appealed to some of her acquaintances by name, it was resolved that she must die. At last they agreed to spare her life on condition of her taking an oath never to divulge their names as long as any of the party lived. She meekly complied; but as one after another of these dames dropped off, she would mysteriously exclaim, as she heard the news, "Aye! there's another o' the gang gone."

She outlived them all, and (as she was then privileged to do) she told the ancestor of our informant the whole story; adding that the remainder of that first awful night, after getting home and to bed, she felt exactly as if she had been roasting between two fires.

Another traditionary tale of the neighbourhood is this—

There was a wedding-party near the abbey of Luce, and a young Hay of Park was amongst the company. In the course of the feast one of the few articles of plate was suddenly missed; and a blacksmith present, expressing more loudly than any one his indignation at the fact, ended by a solemn prayer that

"cauld iron might be his hinner en' quhaever took it." He became much excited, and later in the evening rudely called upon Hay to pay for the shoeing of a horse he owed him, and irritated the young man so much by his insulting manner, that at last he drew his sword and ran him through the body. As those present raised the corpse, the missing article fell from the dead man's pocket; and their indignation at his murder was momentarily stayed by the feeling that the smith had impiously drawn upon himself the doom which providence had thus meted out to him. Hence Hay was able to retire unquestioned, though afterwards obliged to fly the country.

A long while after he returned to Glenluce, disguised as an idiot pauper; and, blowing a long horn, he begged from house to house, repeating a string of doggerel verses. He was known as Jock o' the Horn, and visited all his old haunts, even venturing to the House of Park. Here he clamoured for alms, as elsewhere, in jingling couplets. He never, however, doffed his strange disguise, though it was whispered in the neighbourhood of Park that, when the family were quite alone, the servants were sometimes kept out of the way, and that then poor "Jock o'-the Horn" again took his proper place in the parlour, and shared the family meal.

In the year 1616, the fifth Earl of Cassilis, the hero of the siege of Inch, died childless. He was succeeded by his nephew, John, a son of the earl's brother, by Margaret, daughter of Uchtred and sister of Sir John M'Dowall of Garthland. This earl took a leading part in the eventful period which followed; the Sheriff and himself generally agreed in politics, and their relations on the whole were friendly; yet the old feud from time to time broke out again; and though the records of their quarrels now only provoke a smile, they were doubtless anything but laughing matters to themselves. Lord Cassilis resisted Sir Patrick's service in the old family office of baillie of Leswalt, and revived the traditionary claims of his own house as to the baron-courts there. In 1628, accompanied by a well-armed band of retainers, both horse and foot, he took forcible possession of

the church and court-house at Leswalt, leaving his partizans at free quarters on Sir Patrick's lands.

Unable to cope with the invading force, the Sheriff appealed to the king; and as the truth of the Sheriff's memorial on this occasion is proved by the result, we give it in his own words—

"To the King's Most Excellent Majesty,—

"The humble petition of Sir Patrick Agnew, Knight, Sheriff of Galloway in Scotland; humbly showeth—

"That whereas the Petitioner and his Predecessors are and have been Bayliffs Heredtable unto your Majesty and your Royall Predecessors ever since King James the First's time, *and before*, of your Majesty's property and proper lands in the Barony of Leswalt and Mynibrick, and in the continual possession of several lands and tythes for payment of the accustomed duties; until that John, now Earl of Cassilis, dispossessed the Petitioner of the said lands and tythes; upon which the said earl's oppression your Petitioner having exhibited humble petition unto your Majesty, your Highness was graciously pleased to direct your Royal letters unto his Lordship (as by the annexed copy appears), advising his Lordship to forbear, least your Majesty in compassion of your suppliant's wrongs, should interpose.

"Nevertheless, the said earl hath not only disobeyed your Majesty's letters, but hath also since the delivery thereof dispossessed the petitioner of the foresaid lands and tithes. And (has) placed other Bayliffs in the Office holden of your Majesty by the Petitioner; discharging[1] the Tenants to answer unto the Petitioner's Court, or to give their service according to the Petitioner's lawful right as accustomed. Albeit neither the said Earl, his Predecessors, nor any other in their names did ever keep any Court in that place, where the Petitioner usually kept them, or in any other part of the said Bailliary.[2]

[1] Forbidding.

[2] This was literally true, though the Cassilis family made *many attempts* to hold their courts at Leswalt in former times, as we have seen. From the Sheriff's expressions, we may infer that they had desisted from these attempts during the century gone by.

"And the said Earl, notwithstanding your Majesty's letters, did upon the 29th of June 1628, being the Sabbath and preparation day for the Holy Communion, come with a number of men horse and foot, having muskett powder and shott, unto the Petitioner's Parish Church, where his Lordship never was before. Divers of his company being Rebells whom the Petitioner as Sheriff then had and still has warrants to apprehend; and brought the Petitioner's officer that morning out of his own house and bed to proclaim at the said Church, a Court to be holden in his Lordship's name within the foresaid Bailliary, and immediately after caused a number of armed men to go unto that place where the Petitioner used to hold his Courts, and there entrenched and fortified the same, placing Musketeers and Pikemen Garrison-wise there.

"Upon the 2d of July then following, the Earl being charged at the Petitioner's instance, by writ of Lawsuitry granted by the Lords of your Majesty's Privy Council, to desist from holding or keeping Court or approaching unto the said place under his Highnesses will, yet nevertheless the said Earl did most contemptuously disobey the strict charge from the Lords aforesaid and without having any respect unto the letters signed by your Majesty's Royal hand in the Petitioner's behalf, did on the 3d day of the said month, having convocated three hundred horse and foot with musketts, hagbotts, pistolls, lances, and such other warlike and invasive weapons prohibited,[1] come and in most hostile manner upon the Petitioner's own domains, upon a part of the Petitioner's own land, opposite to where the Court was to be kept; and there, to the great terror and disquieting of the Country and in contempt of the Petitioner and the foresaid letters they did shoote off their pieces; and there (the Earl) kept his men upon your suppliant's lands for the space of two days destroying the Petitioner's corn and grasse to his exceeding great losse and hinderance.

"Whose most humble suite is—

"That your Majesty will take the said Earl's high contempts,

[1] The force of this passage is—"prohibited *by law*."

ryotts, and oppressions, unto your royall consideration, or give order to your Majesty's most Honourable Privy Council to take a course for the condigne punishing thereof, to the end others by his example may be warned not to commit the like insolence and outrage; and that speedy order may be taken for the Petitioner's restitution unto the foresaid lands tithes and office; and such satisfaction made him for his wrongful sufferings, great losses, charge and damage as shall be agreeable to conscience and equity. Without which your suppliant cannot return home; many of the said Earl's men being very dangerous people lately brought out of Ireland and placed in the lands the Petitioner is now dispossessed off. The said Earl and his men having done what in them lies to vex the Petitioner, purposely to have him forfeit his bond of ten thousand merks, which the Lords of your Majesty's Privy Council then enforced them both to enter into for the preservation of the peace.

"And as in duty bound he will daylie pray for your Majesty's longe and happy wraigne. PATRICK AGNEW."

Upon receipt of which the king wrote as follows to the chancellor:—

"To our trusty and well beloved Cousin and Councillor, the Lord Viscount Duplin, Chancellor of the Kingdom of Scotland—

"Charles R.—R^{t}. trusted and well loved Cousin and Councillor, we greet you well. Whereas, Sir Patrick Agnew Knight hath complained unto us of divers oppressions done unto him by the Earl of Cassilis, as by the enclosed petition doth appear, our pleasure is that you consider thereof, and after exact trial of what is therein mentioned, if you find that our Laws and authority have been contemned and broken by the said Earl, or that he hath oppressed the Petitioner in his Office, Estate, or Person, that you censure, fine, or cause punish him as you shall find the nature of his offence to have justly merited;—And that you make him give sufficient satisfaction to the Petitioner for what losses he hath sustained by him, that others may

be restrained from attempting the like hereafter and that our peace in those parts may be duly preserved for the general good of all our loving and well disposed subjects there.

"Which recommending to your care we bid you farewell from our Court at Bagshotte the 15th of August 1629."[1]

Sir Patrick not only succeeded in obtaining full restitution of the lands of which he had been dispossessed, but his claims for damages were also satisfied; and further, by a special precept from the Court of Chancellarie, he was now regularly retoured as heir to his father in the Bailliary of Leswalt, and the service was entered in the Book of Special Inquisitions[2]—thus finally resolving this vexed question.

The Sheriff, in his petition, graphically sets before us the scene of the quiet of the Sunday morning disturbed by the appearance of Lord Cassilis with his host, largely recruited amongst the wild Irish from the opposite shore; and pithily describes their reckless proceedings as they bivouacked on his own lands, to the special detriment of his standing corn!

There had been much previous correspondence about similar quarrels; but into this it is not necessary to enter, as the Sheriff indicated in this petition the result of previous bickerings; in consequence of which both the Earl and himself, at the very moment of his writing, were bound over under heavy penalties mutually to keep the peace.

Another cause of these disputes arose from the claim of bishop's teinds. Cassilis had become tacksman to the Bishop of Galloway, and the Sheriff, apparently with reason, argued that the Earl was bound to stand by any such commutations in money as were customary and *sanctioned by previous agreement.* To this Cassilis demurred, claiming the tithes in kind in full, and raising an action "for spoliation of tythes" against the Sheriff; who retorted that the "Earl was but a tacksman interposed

[1] This letter was forwarded by the Chancellor to the Sheriff of Galloway, and is preserved among the Lochnaw Papers.

[2] "April 29 1630.—Dominus Patricius Agnew de Lochnaw hæres Domini Andreæ Agnew patris in officio Baillie hæreditariæ de Leswalt."—*Inquis. Spec.*

betwixt the Bishop and himself, contrary to the spirit of the Royal Proclamation for the surrender of all tythes to the King, in which it is set forth, that 'what favor is granted in Bishop's teythes, is onlie to the Bishop himself,'" and not to the interposed tacksman.

The Sheriff ably states his own case in a petition to the king, also extant; setting forcibly before his Majesty the fact, that subjects, living in remote districts, may be much oppressed if liable to be vindictively summoned to the Head Courts, even supposing the decision to be given in their favour :—

"Your Petitioner," he says, "and his Predecessors, are Heritable Proprietors of certain lands immeadiately halden of your Majesty, and hath, in all tyme bipast, had the teythes of the said lands for money payit to the Earl of Cassilis as Tacksman to the Bishop of Galloway. Until now of late most rigorously the said Earl hath called and pressed the Petitioner for spoliation of the said teythes—notwithstanding of your Majesty's Royal reformation and good course of your Revocation, registrate and published to your subjects,—upon which your Majesty was graciously pleased to direct your Royal letters in favor of your suppliant advysing his Lordship to forbear such rigorous dealing . . . nevertheless, without any regard of your Majesty's letter he hes *kept the petitioner in plead of Law.*

"And now after valuation and approbation of the Petitioner's teinds before the Commissioners appointed by your Majesty the petitioner will have real security in the petitioner's lands for the valued bolls—otherways the Petitioner would become one perpetual fermorer to the said Earl of unliquidat bolls,[1]—and by *this means byd intollerable process of Law ilk year, and be in worse case than he was before. The Petitioner's residence being near ane hundred myles distant from the seate of Justice to his great damnage and overthrow.*

[1] Fermorer—old Scotch for farmer. The argument here is, that if the commuted tithes are not to be received as a fixed money payment, the Sheriff would become in fact a perpetual farmer of Lord Cassilis, and be liable to have his rent raised at his pleasure, and be sued for non-payment, which right of the earl the Sheriff denies *in toto*, and prays the king to fix the amount of his liability.

Whose humble suite is that your Majesty would be pleased to give warrant what right the Petitioner shall give to the Earl, and what right the Petitioner shall receive from the Bishop or interposed tacksman. Lykeas your suppliant most humbly craves your Majesty to convert the valued bolls to a constant money rent; that your Petitioner may be freed of continual plead of Law. Humbly craving your Majesty to this effect to stay all action at the said Earl's instance against the petitioner."

The tithe question was at last amicably settled; and after this the Sheriff for many years lived upon terms of intimacy with his powerful neighbour; their friendship, it is true, was interrupted by one or two quarrels, but these only produced hard words, and led to no long cessation of intercourse.

Some of the by-play which occurred during the great baillie-court quarrel is extremely amusing. A series of petitions appeared against the Sheriff, of which it is to be suspected that the earl was instigator. We quote a few of them.

Although they have been refuted, they are curious, as specimens of charges not considered improbable against a Galloway Sheriff.

The dates of the complaints range over several years, all prior to 1628.

"*Information contra the Sheriff of Wigtoun.*

"By the space of eight years syne or thereby, in the month of December, the Sheriff apprehended Mungo Campbell a common thief, who broke into a booth in Edinburgh, and brought with him furth thereof sundry sticks of velvet and satin stuffs, and silk lace, and gold lace. Also he (Mungo, not the Sheriff!) stole in Ayr a silver piece, with sundry other geir. He stole in Stranraver, from Alex. Auld, merchant, furth of his merchant booth, three hundred merks money, wherewith the said Mungo was apprehended red-hand, who took the whole stuffs all packed in a wallet, and the stolen silver he had hid at Portpatrick.

"The Sheriff himself rode with the thief to Portpatrick and received the three hundred merks from him with a stick of Camlet he stole from Alex^r. Auld; of which he delivered one hundred merks to the owner, and detained the two hundred merks thereof for himself, with the silver piece which is yet in his house, and the stuffs and silk wares; and he then let the thief go free lest the just owners should come and follow their own geir."

Another Information.

"The Sheriff apprehended a common thief, who dwelt in the Merkstavie, on Craichlaw's land, who, having stolen plough-crones, had them hid in peat pottis; wherewith they apprehended him, and took him to the place of Lochnaw, where they detained him prisoner in iron fetters a whole month, and intromitted with his whole goods. Thereafter, at the intercession of the Laird Schennane, they let him go free, and detained his goods."

Another of the same.

"About the space of four years since, John Lawson, officer to the Sheriff, apprehended M'Ilvaine in Culgroat, who was taken in the red hand, took him to Lochnaw with his whole goods, and kept the thief there a night or two. M'Ilvaine then, at the Sheriff's direction, went back again to Culgroat, and brought with him a cow and a stott; carried them in the night to Lochnaw; and, at the Sheriff's direction, left the goods on the green of Lochnaw, before the yett; which goods the Sheriff's bowman intromitted with for the Sheriff's use; and the Sheriff let the thief go free, and gave him forty shillings Scots money to take him away to Ireland."

Informations against his Son, and Depute.

"The Sheriff of Galloway is a seller of Justice, at the least his eldest son, who is his Depute, by his knowledge and direction is so,—

"Viz.—he took from Andrew Dunbar of Baldoon, for sitting Sheriff upon the service of umquhile Thomas M'Kie's son, in Wigtoun, as heir to his umquhile Father, twenty merks.

"Also he took from Hew Kennedy in Ariehemen for sitting Sheriff upon the service of Anna Hathorne as heir to umquhile Hew Hathorne, her Father twenty merks; his clerk twenty pounds for the retour.

"The same day he took other ten merks from a merchant boy called Thomas M'Crakane in Stranraver for sitting Sheriff to serve him general heir to his umquhile Father.

"He apprehended lately, in the month of July, 1628 years, a common thief, called Ross, who stole many nolt out of Carrick, especially part of them from John Kennedy Younger of Knockdaw and from divers others. Another thief sold the same in Kirkcolm, which goods the Sheriff intromitted with and apprehended the thief; whereupon young Knockdaw followed the (first) thief and his goods and apprehended him, and desired justice of him before the Sheriff, and offered to find caution to pursue the thief to the death. The Sheriff refused and gave young Knockdaw some of his own goods back, detained the rest, transacted with the thief and let him go free to Ireland," etc.

These charges the Sheriff was fortunately able to answer to the satisfaction of the Lords of the Council; and that he stood high in the estimation of his neighbours is evident from the fact, that in the following Parliament (said to have been the first in which the principles of election were at all generally thought of) he was unanimously chosen to represent the county.

Even at the period of the accession of Charles I., although it is said that agriculture was retrograding, that the native forest had entirely disappeared, and with it deer, roe, and the swine which had formerly run wild in the woods; yet the state of Galloway was by no means wretched, as it became in the following reigns, and the baronage were by no means in bad case. On this subject we are able to give the impressions of an intelligent visitor, with no predispositions in favour of the county.

William Lithgow, the celebrated traveller, after having seen more of the world than most of his contemporaries, and having traversed the province in its length and breadth, bears an agreeable testimony to the condition of our ancestors.

"I found here," he says, "in Galloway in divers road way innes as good cheere, hospitality and serviceable attendance as though I had been engrafted in Lombardy or Naples. Likewise their Nobility and Gentry are as courteous and everie way generously disposed as either discretion could wish and honor command. Certainly Galloway is become more civil of late than any maritime country bordering the Western Sea.

"The wool of which country is nothing inferior to that of Biscay in Spain, nay the Calabrian silk had never a finer lustre and softer gripe than I have seen, and touched this growing wool there on sheep's backs. The mutton whereof excelleth in sweetness. So this country abounded in bestiall, especially in little horses, which for metal and riding might rather be termed bastard barbes than Gallowegian nagges."[1]

Lithgow entered the country as an entire stranger; his unbiassed testimony of what he actually saw is surely to be received in preference to any mere assertions of Chalmers or others, who advocate contrary theories. Patrick Hannay, the poet of Sorby, in return pays a graceful compliment to this traveller—

> "The double travel, Lithgow, thou hast tane—
> One of thy Feete, the other of thy Brane;
> Thee and thyself doe make for to contend
> Whether the earth thou'st better pace'd or pen'd."

Early in 1629, the Sheriff was created a Baronet of Scotland and Nova Scotia, and with the patent he received a charter of certain lands in Nova Scotia which were erected into the Barony of Agnew, of which Sir Patrick actually got infeftment on the Castlehill at Edinburgh, as did a few of the earlier baronets.

Any claims afterwards set up by descendants of these baronets, however, necessarily fell to the ground from the fact of the dependency having been, in 1632, conquered by the French, and not having been permanently restored to the British Crown till 1710. Since the latter period, moreover, the right of proscription has had time to run out over and over again; and further, the great majority of baronets had *no infeftment*, and if they had grants at all they were merely nominal.

[1] Lithgow, *Nineteen Years' Travayle*, 4to, 1632.—British Museum.

The enumeration of various rights "in nubibus" thus conferred upon Sir Patrick is amusing; for with his lands he was endowed with "Castles, Towers, Fortalices, Manor-Places, Houses, Mills, Multures, Salmon and other fishings, with the teinds great and small, with advocation, donation, and right of Patronage of the Churches, and all and sundry mines and minerals of gold and silver and lead and iron, and other metals, with all precious stones, gems, pearls, christals, alums, corals, and others whatsoever."

With power "to build cities, burghs, ports, naval stations, batteries, watch-towers, and fortifications . . . with free Justiciary, office of sheriff and power of making Laws . . . punishing all crimes . . . and with customs of all goods and merchandize."

"To be called the Barony and Regality of Agnew to be holden by the said Sir Patrick in free Barony and Regality for ever, by all just marches as the same lie in length and breadth, in houses, buildings, bushes, plains, moors, marshes, ways, paths, waters, stanks, rivers, meadows, grazings, pastures, mills, multures, hawkings, huntings, fishings, peats, turfs, coals, coal-heuchs, rabbits, warrens, doves, dovecots, smithies, maltings, breweries, brooms, woods, trees, quarries, stone and lime, with courts and their issues, amercements, herezelds, bloodwits, and merchets of women; with furk, foss, sock, sack, thole, thame, vert, wrack, waith, wair, venison; infangthief, outfangthief, pit and gallows, with common pasture and free ish and entry, with all and sundry liberties, commodities, profits, easements, and their just pertinents as well not named as named as well below the earth as above."!!

A curious circumstance occurred in 1629. In mid-winter (on the 26th of January), during a heavy thunderstorm, Castle Kennedy was struck by lightning. Several children and three dogs were in an upper room, which the electric fluid entered; the dogs were killed upon the spot, and the furniture seriously damaged, but the children escaped uninjured; the bolt buried itself in a room below used as a granary, entirely destroying the store of meal, whilst near the castle a herd of some thirty cows were struck dead during the storm.

Charles I., who was not partial to Parliamentary government, summoned the Scottish Estates to meet for the first time in his reign in 1633.

The Sheriff was elected to represent Wigtownshire: the county was entitled to two members, but the name of no other commissioner for the barons is to be found among the rolls of Parliament which, from this date, are kept with great precision. On the 18th of June, Charles having been crowned at Edinburgh with unusual pomp—many foreigners of rank being spectators of the ceremonies—his Majesty and his Estates opened the session in due form by "Riding the Parliament."

In these days of comfortable unpicturesqueness, our wealthiest senators, even if advanced in age, are restrained by taste and habit from any greater display of magnificence at the opening of Parliament than may attach to a well-appointed brougham; whilst more youthful Lords and Commoners are either satisfied by a Hansom cab, or may be seen on foot hurrying down to their places in the house between a double row of the A division of police who restrain the crowd.

These lords and gentlemen, who have rolled up from their country seats in a few hours' time, find, on their arrival in town, luxuries utterly unthought of two hundred years ago.

Our hardier forefathers rode on horseback from their feudal towers to attend their duties in the capital; and the journey over, slept in uncarpeted rooms in crowded hostelries, where tubs were not abundant. But what they lacked in comfort they made up in style.

A knight of the shire in these days would as little have thought of walking down to the Parliament House, as a modern senator would think of riding through St. James' Street on his way to the Old Palace Yard in a full court suit.

Let us try for a moment to recal how the Sheriff of Galloway and his fellow-barons were wont to turn out on such occasions, whilst simple folks gazed at the sight with wondering eyes.

On the first day of meeting of the Scottish Parliaments, the

king[1] and all the members went in procession to the house; this ceremony was termed "Riding the Parliament."

In the morning the members of the three Estates assembled at the palace, from whence the great officers of state rode up to the Parliament House to be in waiting to receive the cavalcade.

The regalia, crown, sword, and sceptre, were brought meanwhile from the castle to the palace in a state coach, carried by three earls, bareheaded, a guard of honour attending; all the people being obliged to uncover as it passed. The members of the three Estates having arrived at the palace, dismounted and entered; their horses, which were gaily caparisoned according to the taste of their respective owners, were held by their attendants, and each ranged in proper order in the court-yard. When all was ready the king gave the signal, the legislators cloaked and mounted; and the procession was marshalled according to the strictest rules of etiquette.

First come two pursuivants, bareheaded, ushering the way; then two trumpeters, followed by the burgesses two and two, and each attended by a lackey.

When the whole third Estate had ranked by, four keepers of the Courts of Justice followed, riding two and two.

Next came the barons, wearing their mantles; every baron attended by two lackeys, having over their liveries short velvet coats, upon which were embroidered their masters' badges, crests, and mottoes; these were followed by various officers of state, all two and two.

Then came the nobles, attended according to their ranks; lords and viscounts, by three lackeys; earls, by four; marquisses, by six; and dukes, by eight. After the three Estates rode four trumpeters, four pursuivants, and six heralds, in double file, and uncovered.

The Lyon King of Arms rode next, in full costume, his baton in his hand—the bearers of the regalia following, attended by a nobleman, bareheaded; and then the king himself appeared, at-

[1] After the union of the crowns, a royal commissioner took the king's place in his absence.

tended by the master of the horse. On arriving at the Parliament House the great officers received his Majesty at the door, and headed by the chancellor, ushered him up to the throne, which was raised six steps, and covered with a canopy of state; and on these steps sat the various officials according to their grades.

In the middle of the floor were two tables, on one of which the regalia was placed, and at the other sat the Lord Clerk Register and his deputes. The representatives of the barons sat on the right side, and the commissioners for the boroughs on the left of the throne. At the opening and close of every session the pageant of Riding the Parliament was repeated.[1]

During the session the Estates usually met at ten or eleven o'clock; and each Estate met separately an hour before to discuss the course of action they should take. At the appointed time the great bell of St. Giles' tolled, upon which the various chamber doors were thrown open, and the members of Parliament all walked in order to their respective seats. These etiquettes, as well as attendance at these private meetings, were compulsory.

One morning during the session, the Earl of Tweeddale was fined eighteen shillings for "*absence and general irregularity.*" This the noble lord angrily refused to pay, upon which the Estates summarily increased the penalty to *twenty merks;* and this he had to disgorge upon the spot, under penalty of "entering his person in ward to the governor of Edinburgh Castle." It seems strange that these legislators should choose to enforce this strict discipline upon themselves. But to our ears it sounds odder still to hear of a "noble and potent earl" higgling about eighteenpence (the exact equivalent in sterling money), imposed upon him in conformity to a rule which he had himself concurred in passing.

The Estates during this session having considered "an article desiring the erection of the Burgh of Stranrawer with the Haven thereof, in a Free Royal Borough to be ratified in favor of the Provost, Baillies, Council, and Community thereof . . . . remit

[1] Scots Compendium.

and recommend the foresaid to the Lords of his Majesty's Secret Counsell." But they were also asked to consider an opposing article, viz.—

"The supplication, desire, and reasons given in and produced to Parliament by the Town of Wigtoun against the foresaid ratification." Of the particulars of these objections there is no record; the lieges of Wigtown, however, succeeded in preventing Stranrawer being declared a royal burgh; and it was not represented in Parliament for many years.

On the 28th of June, the last day of the session, the rolls were called, when we find among the "Lord Comissioners present in Parliament"—

The Bishop of Galloway;
The Earl of Cassilis;
Sir Patrick Agnew of Lochnaw; and
Sir Patrick M'Kie of Larg—

(The latter representing the Barons of Kirkcudbright).

Among the burgesses, there were present—

Thomas M'Kie, Member for Wigtoun.
Robert Gordoun, Member for New Galloway.

Balfour, although a Royalist, gives an unfavourable account of the proceedings of this Parliament—"The 3d and 4th Acts so much displeased the subjects, that in effect, they were the very ground stones of all the mischiefs that have since followed. One whereof, was anent H. M. royal prerogative and apparel of Kirkmen; the other a ratification of all Acts made in former Parliaments touching religion. . . . . His Majesty's general revocation was ratified, which was only intended to be an *awband* over men that would presume to attempt anything against the two former Acts; but it proved in the end a *forcible rope* to draw the affections of the subjects from the Prince. . . . .

"To be short, of thirty-one Acts and Statutes concluded in this Parliament, not three of them but were most hurtful to the liberty of the subject, as it were as many petitions to separate the king from his people."

Parliament over, the Sheriff and his eldest son remained in

Edinburgh to take part in the wedding festivities consequent on the marriage of Lady Agnes Agnew's brother, Lord Garlies, to Lady Margaret Grahame, second daughter of the Earl of Menteith (afterwards Earl of Airth).

The lady's father, who was not present, left behind him at his decease a manuscript entitled, "*My Develish wyfe her wyse acts;*" in which he amusingly alludes to this match as one of the grand blunders of "this wofull wyfe of mine."

"I being ane uther tyme at London, the Earle of Galloway made ane proposition to my prudent wyfe of ane marriage of his eldest sone, the Lord Garleis to my second dochter, which shee presentlie (be the advyse of one who gave her advyse to buy Carrick's pension) did give care untoo, without further advysement, and contracted and married them before I returned from London. And did give in Tocher, twenty-seven thousand merks; and I did find the Earl of Loudoun and several uthers of my friends cautioners for payment of the soume to the Earle of Galloway. My friends willingly did it, believing that I was content therewith; and before my said dochter went home to her awen she was four thousand merks more, but I will only name thrittie thousand merks.

"Now, I pray you consider how unfitting ane match this wes for me. First, my Father and the Earle of Galloway were cousin-germains; and then our Estates lying at so great a distance the one from the uther. And I am sure I might have married thrie of my dochters to thrie barrones lying beside me, with that portione I gave to Galloway, any one of which would have been more usefull to me than the Earle of Galloway.

"They had children, but they all dyed; so that money was als much lost to me as if hede costin it in the sea. This was an uther bargain made by my wyse wyfe."

Lord Garlies had previously (in 1627) married Lady Anne Howard, daughter of the Earl of Nottingham, who died without issue. He himself died in 1638, leaving a son by his second lady, who, as Lord Airth has informed us, predeceased his grandfather.

The Sheriff was inclined to the Royalist party, until disgusted

by the intolerant proceedings to which his adherence to it involved him. "He was a man in high repute as a statesman,"[1] and had he courted it against his conscience, might have stood high in the royal favour.

When in 1634 the High Commission Court was established in Scotland, for purposes similar to those of the Star Chamber in England, the Sheriff was appointed a member. This was an appointment which redounded little to the credit of those composing it; and its intolerant proceedings led in the first instance to the outburst against Episcopacy in 1637, and eventually alienated the affections of the Scottish nation from their king.

This Court was established under royal warrant—"the Earl of Galloway, Sir Patrick Agnew of Lochnaw, Sheriff of Galloway, Sir John M'Dowall of Garthland, the Bishop of Galloway, and Lord Kirkcudbright," were the members selected to act in the Western Counties, and were empowered to act by a commission under the great seal—"Given at our Honnour of Hampton Court the twenty-one of October the year of God 1634 years.—CHARLES, R."

In the course of the winter the Sheriff was summoned to Edinburgh to take a part in the proceedings against Lord Balmerino. This trial forms an incident of importance in Charles's history, being one which justly alarmed many of the most loyal men in Scotland.

Lord Balmerino was one of many lords and barons who had dissented from most of the Acts of Parliament of 1633; and he, in concert with those who agreed with him, prepared a petition, respectfully worded, enumerating certain grievances; and being especially careful to avoid giving offence, they caused a copy of this petition to be shown to the king privately, before presenting it officially. But upon this, his Majesty at once check-mated their movement by forbidding the matter to be further proceeded with at all. It occurred, however, to Lord Balmerino that the petition might be so modified as not to offend the king; and having prepared a revised draft, he showed it to a notary named Dunmore, whom he had previously consulted, and allowed this

[1] Playfair.

man to take it home under the strictest charge of secrecy. Dunmore, however, showed it (perhaps unwittingly) to a private enemy of Balmerino's, passing on the injunction to secrecy, which this second confidant disregarded; and making a copy, he carried it straight to the Archbishop of St. Andrews, who laid it before the king, who at once ordered the arrest and trial of Balmerino.

That the showing a respectful petition on any grievance whatever to a confidential friend—and more especially one founded on a matter in which the petitioner had been himself called to deliberate as a legislator—should be esteemed a crime, is a fact which, in the nineteenth century, appears almost incredible; but the law-officers of the crown viewed such matters differently in the seventeenth; and hence, on this simple act, four grave and distinct charges were founded, on which this wretched nobleman was tried for his life. To facilitate the accusation, the term scandalous libel was substituted for petition, and the four counts demanded his conviction:—

1st, For being the author, deviser, consulter, art and part, of framing an infamous and scandalous libel.

2d, For not apprehending the person who was the author of the said libel, supposing his lordship did not write it himself.

3d, For divulging and dispersing the said scandalous libel.

4th, For hearing the said scandalous libel and not revealing the author thereof.

The Lords of Assize were as follows:—

William, Earl Mareschal.
James, Earl of Murray.
William, Earl of Dumfries.
John, Earl of Lauderdale.
John, Earl of Traquair.
Mungo, Viscount of Stormond.
George, Lord Forester of Corstorphine.
James, Lord Johnstoun.

Sir Patrick Agnew of Lochnaw, Knight Baronet.
Sir Alexr. Strachan of Thornton, Knight Baronet.
Sir Robert Grier of Lagg, Knight.
Sir John Charteris of Amisfield, Knight.
Sir Alex. Nisbet of Westnisbet, Knight.
Sir Alex. Baillie of Lochend, Knight.
John Gordon of Buckie.

Of the fifteen Lords of Assize, nine were challenged as notoriously hostile to the prisoner, but only one was sustained—viz., the Earl of Dumfries, who had openly said, that "if the panel were as innocent as St. Paul, he would find him guilty!" The Earl of Traquair was allowed to remain, and was named chancellor, although he had been previously entrusted with the management of the trial, and had himself named the jury.

The assize, biassed as they were, held that as Balmerino did not consider the paper seditious, and that as the petition was not in itself seditious, he could not be declared guilty for not discovering the author of it. But the Earl of Traquair laid down the law to them, that as to the nature of the paper, that was for the king to determine; and as for the severity of the law, with that they had nothing to do, but that they were simply to find whether Lord Balmerino had or had not concealed the author.

Even on this ruling the whole assizers found the panel *not guilty* on the three first charges without discussion, but had some little difference of opinion as to the fourth. On this,

"After many speeches on all hands, the assyzers were removed and enclosed, and, the votes being asked, seven did clear him absolutely—viz., Moray, Lauderdale, Forrester, Buckie, Lag, Amisfield, with Sir James Baillie; seven others filed him—viz., Mareschal, Johnstoune, Traquair, Westnisbet, Thornton, Sheriff of Galloway, and Viscount of Stormonth, *and that onlie for concealing of that supplication, and no otherwise.*

"Also Mareschal did swear after hand that he had not fyled

him at all, but confessed that he was sleepie, and spak not out, so it was noted he had fyled him. Thus the one half of the assyze being aganis the other half, it behoved the chancellor to clear it by his vote, and he fyled him, that he might put him in the king's will, alwayes minding to purchase as great favour to him (self) as he could."[1]

The finding was almost equivalent to an acquittal; nevertheless, on the insignificant charge that he had not revealed the author of a petition which neither he nor the jury thought libellous—and which they further found he neither composed nor divulged—he was condemned to die; although the sentence was delayed (but "sore against the bishops' will, who raged like a tempestuous sea thereat) until his Majesty should be advertised."[2]

The trial lasted many months, during which Lord Balmerino was escorted to and from the Tolbooth in Edinburgh by a guard, as if he had been a notorious criminal. Great interest was felt in him during the trial, and when the result was known, public indignation rose to such a pitch that Traquair, alarmed for his own safety, recommended the king to reprieve the prisoner, as it would be impolitic to irritate the mob; and consequently Balmerino received a most ungracious pardon.[3]

The other Lords of the Assize found themselves in a very disagreeable position. They had endeavoured to do their duty both according to law and to their consciences: they had acquitted the panel, as they conceived, of the capital charge, and expressed their opinion as to the petition; and yet, by a quibble of law, they found the prisoner's life intended to be sacrificed by the infatuated advisers of the king, and themselves exposed to the execrations of the people.

The Sheriff received a severe lesson as to allowing himself to appear a party in any way to such arbitrary proceedings; and escaping from the hootings of the incensed populace, he returned to Lochnaw to reflect on what had passed, a sadder and wiser man. Some wag wrote a squib which was exhibited in public

[1] Row. [2] Balfour. [3] Pitcairn.

places, in which each of the assizers was vilified in doggerel verse. The couplet on Sir Patrick ran as follows :—

"Poore Galloway lads prepare yow for a cord,
Your Shireffe's grace can cast a saicklesse Lord."[1]

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[1] Then follows—

"Marshall (Mareschal) was first that wandered from the light,
A senseless man could doe no moir by night ;
And Stormont's witt is nought, bot this appears,
He chaysed ane heire to fyle, wher goodnesse cleares ;
When life and death were equal, vot for vot,
In came Traquair for death, and coost the lot."

Given in *Genealogie of the Hayes of Tweeddale*,
By Father Richard Augustin Hay, Prior of St Pieremont.

Sir John Hay, the Lord Register, was a violent partizan against Balmerino on this trial.

CHAPTER XXI.

PARLIAMENTARY CAMPAIGNS.

On Philiphaugh a fray began,
At Hairhead Wood it ended;
The Scots out o'er the Græmes they ran,
Sae merrily they bended.

GILBERT AGNEW, who built Galdenoch Tower, somewhere between 1547 and 1570, was succeeded by his son Uchtred Agnew, who acquired, in addition to the lands of Galdenoch and Barjarg, the estate of Cairnbroch with Upper Glengyre in the parish of Kirkcolm, and Over-Culreoch in the parish of Inch. He succeeded his father about 1620; and in 1635 he died, leaving four sons—Patrick, Hew, Gilbert, and Uchtred—to whom he named the Sheriff sole tutor and curator.

Just before his death, the Laird of Galdenoch had entered into a contract with an Englishman, named Ozburn, for establishing a salt-pan on the sea-shore, near Galdenoch. This lonely spot is still known as the "Salt Pans," and many vestiges of building still remain, though it is long long ago since any salt was manufactured there.

Ozburn appears to have been a speculative man, and was, as well as the proprietor, sanguine as to the result of the proposed salt-works; and large sums figured in their agreements upon paper.

He paid down to the Laird of Galdenoch £240 Scots, as caution-money, undertaking to set up his works by the 29th of August following. On their completion Galdenoch was to repay him the £240, with £240 in addition, and "give the said Alexander Ozburn a twenty-one years' lease of the premises, with an acre of ground to build upon, liberty to cast and carry away

peats for the use of his pan, and grass for four horses;" for which he was to pay £480 yearly as feu-duty, as well as sixteen barrels of salt.

Whilst the works were being erected, Patrick Agnew died, and the Sheriff, as tutor to his heir, paid the stipulated £480 (£40 sterling) to Alexander Ozburn; and on the 10th of October following, Alexander renounced his lease, and made over the pan-house, buildings, and timbers, to Sir Patrick Agnew, for a thousand merks over and above the £480 already received.

Considering the relative value of money at this period, these transactions indicate a positive mania, such as has been heard of for tulips or South Sea stock.

The Sheriff, having bought up the first contractor's rights for his ward, immediately re-let the works to a certain Ralph Ozburn, who, for the same privileges, was to pay £600 yearly, and sixteen barrels of salt—further obliging himself to put up a second salt-pan; and, moreover, becoming bound, under a penalty of £6000, not to dispose of the right of his tack to the Earl of Cassilis or his friends.

Although the young Laird of Galdenoch was thus tantalized by visions of sudden wealth; yet, with all his magnificent agreements, it is doubtful whether Ozburn ever paid a single year's rent; and it is certain that he became bankrupt.

To show what sum might be the actual payment reasonably expected to be realised from such a salt-work, we quote a paper as to a similar salt-work in the county:—

"We, Patrick and Robert M'Dowall, elder and younger of Logan, do hereby declare that the salt-pann belonging to us is sett to James Mitchell, with liberty of our moss to cast three thousand load of peatts yearly therein, out of which moss one horse is able to keep the pann daily going; and that all the rent we receive is *eight pounds Scots yearly* for pann and peatts. 4th May 1685." (Signed.)

The special reservation that the profits of the salt-pan should, under no case, be shared by a Kennedy, did not bespeak very

cordial relations between the Earl of Cassilis and the Sheriff; and we have many proofs that collisions between the adherents of either house took place from time to time.

For example, the following extract from the proceedings of the Lords of Council smells strongly of a feud:—

"At Edinburgh the 21st day of March, ye year 1635,—

"The Quhilk day in presence of the Lords of Secret Counsell compeared personally Sir Patrick Agnew of Lochnaw and became acted and obleist as cautioner and surety for Andrew, James, and Patrick Agnewis his sons,—Alexander Agnew, of Tung; Patrick Agnew of Barmeill; Uchtred Agnew of Galdenoch, Patrick Agnew his brother; Alexander Agnew in Marslaugh; Nevin Agnew of Stranrawer; Nevin Agnew in Fisheyard; John and Martine Agnewis in Clenarie; James Agnew in Stranrawer, Andrew Agnew of Salcharie; Alexander M'Dowall of Logahe, Uchtred M'Dowall his brother; Uchtred M'Dowall, younger of Freuch; William Baillie of Garchlerie; and Alexander Vaus in Innermessan, and Alexander Gordoun, Brother to Parke; and siclyke compeared personally Uchtred M'Dowall, younger of Freuch, and became actit and obleist as cautioner and surety for the said Sir Patrick Agnew of Lochnaw, that,—John Kennedy of Knockdaw, Fergus and David Kennedies his brethren, Fergus Lin of Larg, Adam Boyd of Larbraicks, Patrick M'Kie of Kairne, John Kennedy of Stranrawer, John Kennedy of Knockibea, Uchtred Neilsone in Craigcaffie, Thomas Kennedy of Arikemene, Hew Kennedy of Airds, Andrew M'Dowell in Stranrawer, Gilbert Mure messenger, Adam, James, and Gilchrist M'Kays in Larbraicks, and James Lairles in Challach their wyffis, bairnes, men, tenents, and servants shall be harmless and skaithless in their bodies, lands, rowmes, possessions, goods and geir, and in no ways to be troubled and molested therein by the said Sir Patrick Agnew nor themnant persons abovewritten, nor no others of their causing, sending, hunding out, command, ressett assistance, nor ratihabition whom they may stop or lett directlie

nor indirectlie in time coming, otherwayes than by order of Law and Justice under the pains following, viz. —

"The said Sir Patrick under the pain of three thousand merks, Andrew Agnew his son under the pain of two thousand merks, Uthred Agnew of Galdenoch, Alexander M'Dowell of Logan and Uthred M'Dowell younger of Freuche, ilk ane of them under the pain of one thousand pounds; James and Patrick Agnew sons to the said Sir Patrick Agnew of Barmeill, Alexander Agnew of Tung, Alexander Agnew in Marslache, Nevin Agnew in Stranrawer, Nevin Agnew in Fisheyard, ilk ane of them under the pain of one thousand merks; William Baillie of Garclerie, under the pain of five hundred pounds, and every one of the sonamed persons under the pain of five hundred merks. (*Sic subscribitur*) PATRICK AGNEW,
U. FRUECHE Younger."

Within a few months of the signing of the contract for the salt-pan, Lord Cassilis made a similar proviso, in still more stringent terms, as respected the house of Lochnaw.

John Gairdner, a minor, held the lands of Larbrax-Gressie, or Balgracie, under the Cassilis family. James Glover, his tutor (styled the earl's servant), suffered the feu-duties to fall in arrear, and allowed the earl, by a decreet, to put his pupil to the horn, and get full possession of the land, on which the Earl of Cassilis redisposed of them to Glover for John Gairdner, burdened with this provision, "that the said Glover and Gairdner should not set the said lands *to any of the name of Agnew*, nor suffer them to possess the same." Within a few years afterwards, the property was bought by the young Sheriff from John Gairdner, the absolute proprietor; and he entered into possession, always paying the regular feu-duties to Cassilis as superior.

Presently, however, the earl stood upon his strict rights, and declared the sales of the land to be invalid. The Sheriff sued him before the Lords of Session, who, in 1646, decided against the earl. From this decision Cassilis appealed, declaring that his disposition to John Gairdner "was with the provision and

under the clause irritant foresaid." To which the Sheriff replies, that he has "comprysed the lands fairly from John Gairdner, and that he denies the legality of any such provision as those with which the earl had hampered his vassal's property, seeing that the foresaid clause irritant *is most odious;* and that John Gairdner was hardly dealt with by the said earl and his tutor, the earl's servant."

This plea was held good, and the lands remained in the possession of the Agnews; and at the close of this century, the representative of the Cassilis family resigned the superiority in favour of Sir James Agnew, then owner of Lochnaw.

In 1636, the Sheriff acquired the Kirklands of Kirkcolm from John Gordon, for which he paid thirteen hundred merks.

Previous to this, three more of the Sheriff's daughters had been married in the county;—Elizabeth married Baillie of Dunragit, and Marie Agnew married M'Dowall of Knockglass (a branch of the Garthland family, who maintained a respectable position for two generations, when the line ended).

A branch of the Cathcarts of Carleton settled in the county early in the century, and acquired the estate of Genoch; and in 1632 John Cathcart of Genoch married the Sheriff's youngest daughter Rosina, and his third son—Patrick—married Elizabeth, daughter of William Gordon of Craichlaw.[1]

In the year 1637, Sir John M'Dowall of Garthland died, and was succeeded by his son James. This family at that time owned the whole estate of Corswall, young M'Dowall being retoured on

[1] There is this disposition to the young Sheriff at this date:—

"Me, John Stewart, brother naturall to the Erle of Galloway, forsameikle as I stand justly adebtit to Andrew Agnew, appeirand of Lochnaw, the sum of five hundred marks money of this realm, together with annualrent, &c., be resting unpayit: Therefore, grants me by the tenor hereof to have disponit to the said Andrew Agnew, all and sundry, the goods, geir, cornes, catell, hors, nolt, scheipe, insicht plenishing, and others underwritten—viz., the number of fyve score scheipe, twell drawing oxen, four horss, ane meir their, the haill cornes and beir presently sawen, and which shall happen to grow upon the lands of Poltoune pertaining unto me . . . . to use and dispone thereupon as he please."—22d March 1636.

his succesion to the lands of Corswall, Glengyre, Dhuloch, and Balgoun. Of Corswall he disposed soon after to the Earl of Galloway.

He was a keen politician, and zealously opposed the innovations in religion attempted to be introduced by the king. He married a daughter of Sir John Hamilton of Bearcross.

We find about this time a retour of "Francis Hay of Arioland, as heir to his father Alexander, before the Hon. Andrew Agnew, apparent of Lochnaw, Sheriff-Depute of Wigtoun." The old family of Arioland were, in the succeeding reign, entirely reduced, but then and for twenty years later, had a good property in the county.[1]

A son of Sir Hew Montgomery, created Viscount Airds, now held Dunskey Castle and its lands. In 1636 he was served heir to "the patronage of the church of Portpatrick, *alias* Port Montgomery, and to the lands of Killantringen, Uchtred-M'Kayne, Craigbouie, and Portree; with the castle of Dunskey and the port of Portpatrick."

Auchtrimakane, the present name of the beautiful glen at Dunskey, we thus find to be derived from *Uchtred*-M'Kayne (probably M'Kay), a former occupier of the ground. Kirrochtree is an instance of a similar adaptation of this grand old Galloway name to a locality, having formerly been written Caer-*Uchtred*.

Notwithstanding previous misunderstandings, the young Sheriff cordially supported the Earl of Cassilis in his championship of the Presbyterian cause. The earl showed a marked consideration to all their most eminent divines; and the young

[1] The witnesses to this service are Hugh Gordon of Grange, Alexander Gordon of Auchland, James Agnew of Auchrocher, Henry Gordon of Kilsture, Roger Gordon of Balmeg, William Henry Gordon of Lage, Hugh Gordon, son of Grange; Archibald Dunbar of Baldoon, Alexander M'Dowall of Logan, Uchtred M'Dowall of Freuch, John M'Dowall of Dreoches (?), Hugh Hathorne of Airess, and John Dunbar of Archeortour (?). The Wigtownshire lands of the Hays of Arioland now belong to Sir William Maxwell of Monreith, and their Kirkcudbright estate belongs to Sir William Maxwell of Cardoness.

Sheriff and his other neighbours had the advantage of often meeting at his table such men as the good John Livingstone, who, at Lord Cassilis' suggestion, had been persuaded to accept a call to Stranraer.

Livingstone, in a short autobiography, which is valuable as affording a few glimpses into private life in Galloway, gives this account of his settlement:—

"In the end of May 1638, I got letters from the Earl of Cassilis to come to his house of Cassilis. . . . When I came there, there came . . . commissioners from the town of Stranrawer with a call to me. So I was there received, and shortly after transferred my family there.

"Because I had some household furniture to carry, and the way was so far, I put my family in a boat at Irvine, and put in a tolerable quantity of meat and drink. The wind being the first day very fair, and we were like to be soon at our port, the boat's company consumed most of our provision; so that, by a calm and a little contrary wind, being three days at sea, the last day we had neither meat nor drink, nor could reach no coast."

"When I first came to Stranraer," he adds, "some of the folks of the town desired to come to our house to be present at our family exercise; therefore I propounded that I would rather choose every morning to go to the church, and so each morning the bell was rung, and we convened; and after two or three verses of a psalm sung, and a short prayer, some portion of scripture was read and explained only so long as an half-hour glass ran, and then closed with prayer."

Cassilis frequently attended his ministry. The earl was very attentive in his religious duties, and it is still remembered that on Sundays, after morning service, he used to pass over in a boat to the island on which the House of Inche formerly stood, and there, in a small summer-house, pass the time in meditation between the sermons.[1]

[1] "Within this island, which is also planted with trees, is a little house built, into which the late Earl of Cassilis used to retire himselfe betwixt sermons, having a boat for that purpose."—*Symson*, 1684.

The Earl of Galloway, Lord Kirkcudbright, and the Sheriff, seem to have abstained from taking any part in the doings of the High Commission Court, the proceedings of which were so disgraced by a violence which had rendered its very name a byword. It was far otherwise with their colleague in the commission, Sydserff the bishop. He was an able man, and devoted his energies to the uncompromising opposition of Presbyterianism.

Associated with the Bishops of Aberdeen, Ross, and Dumblane, the Bishop of Galloway assisted to compile new canons for the Scotch Episcopal Church. These were enforced by royal proclamation; also every parish was ordered, by the Easter following, to be furnished with two copies of the service-book which had been framed by Laud, with some little differences from the English Common Prayer, by way of recommending it to Scotchmen as their own.

Sydserff now as a commissioner proceeded to give effect to the royal proclamation. Recusants were mercilessly dragged before a sort of High Commission Court of his own at Wigtown, in which he sat as sole judge; and his sentences were sustained by the Supreme Court at Edinburgh. As his greatest triumph, he achieved the banishment of the excellent Rutherford, minister of Anwoth, for nonconformity. He was somewhat notorious also beyond his diocese; when Jenny Geddes acquired for herself an imperishable name, by throwing her stool at the dean's head in St. Giles's, Sydserff was there, and in the disturbance which ensued, he was singled out for maltreatment by the mob, but beat so hasty a retreat that it was facetiously remarked, that the bishop had no ambition to be immortalized as a martyr.

The most important result of the High Commission Court, in an historical point of view, was the foundation of the Solemn League and Covenant, of which it was the immediate cause; and of this the men of Galloway were the most ardent supporters. Its actual members were principally of the middle class, but the

abronage were in general not unfavourable to the movement, and where they did not assist, showed strong sympathy with its adherents. To check this movement, the king, with little prescience, summoned a General Assembly of the Church to meet at Glasgow in November 1638, and thus unwittingly secured the Presbyterian party the greatest triumph they had yet achieved.

This famous convention consisted of 140 ministers and 98 elders, all of whom were persons of rank or note. Great preparations were made for this grand convocation. The young Sheriff and Sir Robert Adair represented Wigtownshire officially, and Lords Cassilis and Galloway also attended. Accompanied by a trusty band of armed retainers, they rode bravely forth, travelling along the Ayrshire coast, prepared for any emergency. The good John Livingstone, from Stranraer, accompanied them; and a cadet of the family of Blair of Blair, minister at Portpatrick, also a member of the assembly, no doubt availed himself of so desirable an escort.

Arrived at Glasgow, they received effective co-operation from Lord Kirkcudbright and Gordon of Earlston, who represented the Stewartry.

The Assembly met in the High Church on the 21st of November—the Marquis of Hamilton, as the king's commissioner, sitting in a chair of state—the Covenanting lords and barons being arranged at either side of a long table placed in the centre of the church.

Lord Montgomerie brought forward accusations against the bishops; amongst others, a charge against Sydserff, Bishop of Galloway, "for having deposed ministers; fined and confined gentlemen for unconformitie; for having profaned the Sabbath by buying horses, and habitually doing any of his civil affairs upon it; for having preached Arminianism, had in his chamber a crucifix, and for having embraced excommunicated Papists, and professed much more love to them than to Puritans." The bishop was astounded, the commissioner remonstrated, but all

in vain; and the convention having determined to hear the charges against the bishops notwithstanding Hamilton's protest, he declared the Assembly dissolved, and retired. But it was too late; his presence had already given apparent legal sanction to the proceedings.

The Earl of Galloway, who was not prepared to go as far as the majority of the gentlemen present, retired, as did a few others; but the young Sheriff did not follow his father-in-law's example, and along with his coadjutor, Sir Robert Adair, he sat unmoved at this important crisis, as did his powerful kinsman, the Earl of Cassilis.

The die was now cast; the Assembly, in which was represented the great majority of the baronage of the west, asserted its right to sit, and thus in fact espoused the Covenanting cause.

Within a few days the Galloway party returned. Cassilis, Agnew, and Adair were again on the road, carrying the unexpected news to their constituents that the Assembly had resolved to entertain their complaint, and allow them entire freedom of worship, but that they must be prepared, if need be, to defend their privileges with the sword.

Galloway may fairly be called the cradle of the Covenant as well as of the Reformation, and consequently before long it was rumoured that the authorities meditated a sudden onslaught in order to teach "west-country Whigs" better manners. A letter, dated from Glasgow, the 15th of July 1638, gives the following alarming intelligence as "news from England:"—

"Both Kirkcudbright and Lochryan are aimed at, beside other places upon the west sea, for landing flatt-bottomed boats from Ireland."

But the western shires were soon prepared for the crisis. The Earl of Cassilis, Lord Kirkcudbright, and the Earl of Eglinton, each raised regiments in their respective localities. The leading gentlemen in each district were enrolled as captains, many old officers who had seen service abroad accepted lieutenancies, and the people flocked to the standards; and in a

wonderfully short time three corps were organized, well armed, and prepared if necessary to take the field. James and Alexander Agnew, the Sheriff's younger sons, both commanded companies in this levy, and James Dalrymple of Stair, then unconnected with Galloway, received a captaincy in a corps raised by the Earl of Glencairn.[1]

These regiments assembled in 1639 at Dunse Law, under the command of Lesly, afterwards Earl of Leven; where the Galloway contingent did credit to their native province, and were much admired for their appearance, sobriety, and discipline.

The appearance of this force was the first practical hint which had any effect upon the king as to the necessity of yielding something to public opinion. On the Presbyterians showing themselves in such formidable guise, he unwillingly condescended to agree to grant them terms.

Owing to the spot where this treaty was extorted, it became a joke, as to this grand mistake, that it was not by civil law, nor yet by canon law, but by Dunse (Dunce) Law, that the king had been beaten!

The troops on this returned home, but next year (1639) were again summoned to arms. First they lay in Chusely Wood, near Dunse Law, and in August struck camp and marched for the borders in high feather. Cassilis himself was not more enthusiastic than Montrose, whose covenanting adventures are seldom alluded to by his modern admirers. They advanced and took Newcastle, having only a little brush at Newburn, where they "lost under a dozen, the most regretted gentleman Sir Patrick Magee of Larg his only son, who having gotten the English general's colours, and flourishing with them by mistake, was

[1] "Our crowners for the most part were noblemen, our captains for the most part barrons or gentlemen of good note, our lieutenants almost all soldiers who had served over sea in good charges. Every company had flying at the captain's tent door a brave new colour stamped with the Scottish arms and this ditton—"For Christ's Crown and Covenant."—*Baillie.*

slain by some of our own."[1] The young soldier's death is thus deplored in a poem entitled "Newburn Book"—

"In this conflict, which was a great pitie,
We lost the son of Sir Patrick M'Ghee."[2]

Newcastle being surrounded, a treaty was again concluded, and the martial yeomen of Galloway were released from their military service for a while.

A letter of the Marquis of Hamilton to the king, written in despair at his failure at Glasgow, and his confidential opinion on affairs in general, and of certain individuals in particular, is curious:—

"*Wigton* thanks be to God hath no great power, for if he had, it would be employed the wrong way. *Tullibardine* I take to be honest, he is a true hater of Argyle.

"Now for the Covenanters, I shall only say this in general, they may be all placed in one row as they stand. Amongst whom none more vainly foolish than *Montrose*. . . . Those ships that lie in the Irish seas will be sufficient to bar all trade from the west of Scotland. The fittingest places are between Arran and the coast of Galloway; when the weather is foul there is an excellent road in Galloway called Lochryan, where they may ride in safety.

"I have now only this one suit to your Majesty, that if my sons live they may be bred in England, and made happy by service in the Court. I wish my daughters be never married in Scotland."[3]—27th November 1638.

In the year 1641, the Lord Kirkcudbright dying was succeeded by his nephew Thomas M'Clellan of Glenchannoch—son of Rosina Agnew, the Sheriff's sister—who was an active soldier and politician. The first lord had married a daughter of Viscount Airds; and the second lord had, previously to his succession, married Lady Janet Douglas, daughter of William, first Earl of Queensberry. His brother had raised a regiment which he again embodied, and to which he appointed his cousin

[1] Baillie. The fact of his being killed by his own friends, he afterwards thought was a mistake: we need hardly say his name was *M'Kie*.

[2] By Zachary Boyd.

[3] Hardwicke State Papers.

James Agnew, the Sheriff's third son, to be lieutenant-colonel, under whom the corps earned a high reputation in the field.

In the autumn Parliament assembled. In the Record is this entry, 6th August 1641.

"Upon the Presbyterie of Wigtoun's supplication, the Earl of Galloway was ordained to bring in within fifteen days one Magie, a *troublesome* knave." An elucidation of this strange minute is to be found in the Records of the General Assembly for that year, where we read—

"The Presbyterie of Wigtoun complained of their molestation by one Magie, a notar, too much supported by that good man the Earl of Galloway. The Bill being referred to the Parliament, they enjoined the Earl of Galloway to goe home without delay and fetch in that knave to suffer justice. There was no remeid, his Lordship behoved to go away to that unpleasant service."

One day during this session, Alexander Gordon of Earlston (the great-grandson of the patriarch of Airds) protested with great vehemence in the king's presence against setting Montrose at liberty. Observing that the Lord Register affected not to understand him, he rose a second time, and addressing that functionary in a marked manner, insisted that his protest should be registered, adding warmly, "that as a member of a free Parliament, he had a right to insist upon this, and should take no denial."

As he closed his appeal, the king himself answered him from the throne, and assured him the protest should be registered.

As the house was breaking up, the king called the Earl of Galloway, and said, "My lord, Who was the man so bold in Parliament to-day?" The earl replied, "Please your Majesty he is a kinsman and neighbour of my own, Gordon of Earlston." "Earlston," said the king smiling; "they had better call him Earl of Earlston for the future!" This sally of royal wit fixed immovably the nickname on the laird, who was ever after jocularly known as Earl of Earlston.

About this time the Sheriff's cousin Margaret Ross, eldest

daughter of the Laird of Balneil, was married to James Dalrymple of Stair. The bridegroom, then professor of philosophy at the University of Glasgow, has been mentioned as commanding a company in Glencairn's regiment in 1638. It is said that as he marched into Glasgow at the head of his men, he observed a notice at the college gate intimating that there would be a competition for a professorship that day. No sooner was the parade dismissed than he walked back to the college in his scarlet and buff, and declared himself a candidate for the appointment. The examiners stared, but their surprise was still greater when they found the soldier distanced all competitors. He was a young man of great promise; and assiduously setting himself to the fulfilment of his new duties, he acquired that talent for strict investigation which he cultivated to so much purpose, as evinced in his famous "Institutions of the Law of Scotland." After his marriage he spent much time in Galloway, and eventually succeeded in right of his wife to the estate of Balneil.

The laird of Balneil had a brother, John Ross, laird of Cascreuch. From the Records of the Consistory Court of Wigtown we learn that—

"The Sheriff of Galloway having lent certain sums of money to John Ross of Cascreuch, and having been Cautioner for him to certain persons for other sums, quhilk haill sums will extend to five thousand merks money or thereby; therefore umquhile John Ross for the Sheriff's relief did bind and oblige himself to sell and irredeemably dispone to the Sheriff the lands of Cascreuch, Barnsalzie, and Nether Sinniness.

"Thereafter John Ross for the Sheriff's further security *did* enter and possess him to a third part of the lands of Cascreuch, whereof the Sheriff is now and has been in peaceable possession.

"It hath pleased God to call John Ross, so that he is departed this mortal life upon the 20th of this instant (May)."

"John Dunbar younger in Wigtown, compeared before the Consistorie of Wigtown, and having power of the Hon^ble^. Andrew Agnew apparent of Lochnaw, in his name, desires that the said Andrew may be decerned executor and creditor to the

said John Ross" (recapitulating the various obligations), "quhilk desyrs and protestation the foresaid Commissary thocht reasonable, and therefore decerns and decrees the said Sir Andrew Agnew executor-creditor to the goods and geir of umquhile John Ross."

After this an arrangement was made between the Sheriff and Major Ross, by which the latter accepted his brother's responsibility, and took possession of Cascreuch, which became the residence of his daughter and young Dalrymple.

The heiress had an only sister Christian, married to Thomas Dunbar of Mochrum.

Previous to this date the young Laird of Lochnaw had been knighted.

The elder Sheriff again attended Parliament in 1643, but in the course of the session he retired, and was succeeded by his eldest son, now Sir Andrew Agnew.

The subject of the Rebellion in Ireland was the all-engrossing topic of discussion during this Parliament, and a vote of 1,200,000 merks was passed for the purpose of raising 10,000 men for its suppression.

Commissioners of supply were chosen for the respective counties in the Act, which for Wigtown named "the young Sheriff of Galloway and the Laird of Garthland to be Conveners of the first meetings, and thereafter to choose among themselves."

The Galloway members complained in Parliament that "in all bygone tymes our west country hath been much oppressed in taxations. Our lands are so high retoured that a forty merk land with us will not oft pay so much as a two merk land elsewhere, by which means it comes that some five or six poor shyres in the West, as Ayr and Galloway, will pay more taxation than all Scotland beside.

"This has been oft complained upon but never remeided, only in our late troubles with much ado the common burdens were laid on not according to the retoure or merk land bot the valuation of the rent.

"The lyke way was prest now by the West Country," and at first it was peremptorily refused by the Parliament, but after

a long debate, an eye-witness says, the matter was "accommodat and some reason is lyke to be done to the West.[1]

The Estates next resolved that the "Kingdom be put in a posture of defence," and committees of war were appointed in every county.

The principal proprietors, not malignants, were selected.

The Wigtownshire Committee was composed of—

"Sir Andrew Agnew, apparent of Lochnaw.
Sir Robert Adair of Kilhilt.
Alexander M'Dowall of Logan.
James M'Dowall of Garthland.
Gordon of Craichlaw.
John Murray of Broughton.
John Vaus of Barnbarroch.
Uchtred M'Dowall of Freuch.
Fergus Kennedy for Stranraer.
Patrick Hannay for Wigtown.
James Ross of Balneil.
Thomas Hay of Park.

"With power to make special lists of fencible persons between sixty and sixteen, both horse and foot, and to have special care that they are provided with arms.

"To divide the Shire into divisions, and appoint a distinct part for every Colonel.

"To appoint a secure place for arms and ammunition.

"All His Majesty's good subjects to assist the said Committee under pain to be esteemed and punished as enemies to Religion, the King's Majesty, and their Native Country."

The young Sheriff returned to perform his duties in the county, and early in the ensuing year was again in his place in Parliament. The estates appointed Lord Kirkcudbright to command the horse of Kirkcudbright; the Laird of Garthland to command the horse of Wigtown; and the Earl of Cassilis and Lord Garlies to command the foot.

In the spring of 1644 there was a general election; a matter now of greatly increased interest.

[1] Baillie's *Letters*.

The young Sheriff and the Laird of Garthland were returned for Wigtownshire, and took their places at the opening of the new Parliament at Edinburgh on the 4th of June. This, though the third Parliament of Charles I., is usually called the First Triennial Parliament; it extended its sittings over six sessions, ending in March 1647.

These were busy times, and the names of the members for Wigtownshire appear upon the Committees which directed the business of the army.

On the 5th of June the House appointed a Committee, called officially "Committee anent the Commission of Lieutenant General, to be given to the Earl of Callander, and expeditione of this present army towards England." It is generally known, however, by the shorter title of the "Committee for the Levey."

The members of this Committee consisted of four of each Estate, viz. :—

"*Of the Nobility.*	*Of the Barons.*
Earl of Argyle.	The Sheriff of Galloway.
Earl of Lothian.	The Laird of Garthland.
Lord St. Clair.	The Laird of Harden (Sir W^{m}. Scott).
Lord Kirkcudbright.	The Laird of Carnock (Sir Tho^{s}. Nicholson).

"*Of the Boroughs.*

Commissioner for Edinburgh.
" " Stirling.
" " Cupar.
" " Ayr.

"Any eight to form a quorum, and they to meet at four o'clock this night, and to-morrow at seven."

On the 11th of June, the Estates appointed a Committee of four of each Estate to be Judges-delegate with the Justice-Clerk and Deputes for the criminals, two of each Estate to be a quorum with one of the Justice-deputes.

The members of this important Committee were—

"*For the Nobility.*	*For the Barons.*
Earl of Linlithgow.	Sheriff of Galloway (Sir And^{w}. Agnew).
Earl of Wemyss.	Sheriff of Bute (Sir James Stewart).
Lord Elphinstone.	Laird of Harden (Sir W^{m}. Scott).
Lord Barganey.	Laird of Synton (Sir Alex^{r}. Swinton).

"*For the Boroughs.*

Commissioner for Edinburgh.
" " Perth.
" " Kinghorne.
" " Irvine."

At the same time Sir Andrew's colleague, the Laird of Garthland, was member of the Committee "for considering propositions of peace."

On the 23d of July the Estates passed an "act of agreement with the Commissioners from England;" by the 3d article of which "It is agreed that there shall be two ships of warre presently sent by the kingdom of England to Lochryan, Lamlash, Portpatrick, or Ayr, to guard and waught over the Scottish soldiers."

And the following day "Committees of Warre" were appointed in every county; that for Wigtownshire being much more extensive than before, including the Sheriff and two of his sons, Lord Cassilis, Lords Galloway and Garlies, the Lairds of Garthland, Kilhilt, Logan, Freuch, Myrtoun, Mochrum, Barnbarroch, Baldoon, and many others. (These lists, being interesting as assisting to trace county family history, are given fully in the Appendix.)

The office of Steward of Kirkcudbright becoming vacant by the forfeiture of the Earl of Nithsdale, the appointment was given to Lord Kirkcudbright.

Before separating, Parliament appointed a commission for Irish affairs, with full powers as to the conduct of the war, and management of the details connected with the army. The act ran as follows:—

"The Estates do nominate and appoint

"The Earl of Arran; the Marquis of Argyle; the Earls of

Glencairn, Annandale, and Lothian; the Sheriff of Galloway; the Lairds of Lawers, Greenock, Bishopston, Garthland, and Auchinbreck; the General of Artillery, Sir Frederick Hare; Major-General Monro, and Colonel Hume, or any five of them, as Commissioners for this kingdom—with power to repair to Ireland and join with such as shall be appointed by the Parliament of England for carrying on of the war in Ireland, and regulating of the forces employed there."

The leading senators in these times did not eat the bread of idleness—the committees met at seven in the morning; the house usually met at three in the afternoon, though sometimes as early as ten or eleven; and in that case, after a short adjournment, they reassembled for an evening sitting.

The young Sheriff had now an opportunity of visiting Ireland in an official capacity, and of acquainting himself with the real state of affairs there, of which the most sinister reports had reached Galloway, occasioning much anxiety to his father and those who owned estates in Ulster. After this he allowed himself but a short holiday at home, as he is recorded as present in his place in Parliament on the first day of the Session, the 10th of January 1645. The very day after the opening of the Session, the Estates named a committee "to consider the Relevancy of the Processes of those cited to Parliament,"—this in times of civil war was a task of much responsibility. Among the members were the Earl of Cassilis, the Sheriff of Galloway, and the Provost of Kirkcudbright.

The young Sheriff's brothers, James and Alexander Agnew, were now both field-officers. Colonel James Agnew commanded Lord Kirkcudbright's regiment.

This corps was entirely composed of Galloway men; although enrolled and paid as a regiment of foot, they probably all rode Galloway nags; and were in fact what would now be termed a corps of mounted riflemen. They were alike prepared for service on horse and foot; hardy, moderately well-conducted—the dash of moss-trooping blood which flowed in their veins inclining them to adventure—they marched across the borders, their en-

thusiasm raised to fighting pitch by such considerations as are set forth in a stave of Border minstrelsy—

"Before ye, lads, glory! behind ye a halter!
To a godly Psalm tune
Shall St. Paul's ring aboon,
As we stable our steeds at the foot of the altar."

Lord Kirkcudbright's regiment was in position before Hereford under David Leslie, when the news of Montrose's successes reached the Scottish camp. Colonel Agnew had but a few years before served under Montrose himself; but this celebrated nobleman, having forced many royalist communities to swear allegiance to the Covenant at the point of the sword, was now inverting the process; and calling upon his converts just as peremptorily to swear that black was white!

Leslie instantly started with the Scotch brigade; and, reaching the borders by forced marches, found Montrose encamped in the Ettrick Forest, lying secure at Philiphaugh, having no conception of his enemy's approach.

Allowing his troops but a few hours rest, Leslie sent a detachment by a circuitous route to assault the Royalists in the rear, and then with his main body advanced upon their camp before they had even heard of his arrival. By a skilful movement as he attacked he separated their infantry from their cavalry; charging in among them with furious cries.

Lord Kirkcudbright's regiment was foremost in the fray; and, bearing all opposition before them, they dashed fiercely in the pursuit. The Royalists were completely disorganized; the route was complete. The gallant Montrose graced by his example the retreat of the fugitives.[1] Those who were fortunate enough to escape threw away their arms, and scattered themselves among the wooded hills where cavalry could not follow.

[1] Scott.—Several modern local authors call Lord Kirkcudbright's a "regiment of foot." But that they were mounted (*dragoons* rather than *horse*) is evident, because all contemporary historians agree—1*st*, that Leslie *only* brought with him the *Scottish Cavalry;* and 2*dly*, that the escape of any fugitive royalists was owing to *Cavalry not being able to follow*. Galloway men were at that time much averse to foot service.

As the ballad says :—

"Sir David frae the border came,
Wi' heart and hand came he;
Wi' him three thousand bonny Scots,
To bear him company.

"Wi' him three thousand valiant men,
A noble sight to see,
A cloud of mist concealed them well,
As close as e'er might be.

"He halved his men in equal parts,
His purpose to fulfil;
The one part kept the water side,
The other gaed round the hill.

"Now let us all for Leslie pray,
And his brave company;
For they hae vanquished great Montrose,
Our cruel enemy."

Colonel Agnew and his corps received the thanks of Parliament, who also voted a sum of fifteen thousand merks to the regiment, in recognition of good services at Philiphaugh. The young Sheriff, as a member of the committee for managing the affairs of the army, was entrusted with the agreeable duty of handing over their well-earned gratuity to the men of his brother's regiment, receiving the following receipt :—

"I James Agnew, Lieutenant Collonell to my Lord Kirkcudbright's Regiment, grants me to have ressevit fra the Shireffe of Gallowaye, and W^m^. Grierson of Bargatoune, full and compleit payment of that proportion of monneye assignit to the Regiment by the Parliament upon the Shirreffdom of Wigtoun and Stewartrie of Kirkcudbright, payable be them out of the first and of the first monneyes mentinence; quhilk with the soume of ten thousand pounds payable be the Lord Herries, is in full satisfactione of that monneths mentenance dew to the Regiment *for ther service at Philliphaughe;* and I oblige me to warrand this discharge against all deidlie, written be the said W^m^. and subscryvit with my hand at Edin^g^. the sext day of February 1647 years before thir witnesses, Alex^r^. Agnew, Robert Johnstone, and Archibald Macgill. J. AGNEW."

The Parliament might well afford to reward their soldiers for their conduct at Philiphaugh, for this victory deprived the unfortunate Charles of the fruit of all Montrose's previous successes; nor was he again able to make head against the Scottish Parliamentary forces.

Another of the Sheriff's clan, Agnew of Croach (Lochryan), was ordered to the Highlands; and before starting on so long and hazardous a journey he made his will, which he prefaced in these terms—

"I Captaine Alex. Agnew of Croach being employed in the publick service, and being compellit to the North in the expeditione yrof; and knowing nothing mar certaine than daith, nothing no mar uncertain nor the tyme and place yrof, make my latter will and test. as followes:—In the first I recommend my soull to God hopeing the samyne to be saif through the merits of Jesus Christ, and as for my worldlie effairs I be thir presents nominats and constituts Andrew Agnew appeirand of Lochnaw in case of my deceis befoir my returne my onlie executor, etc.

"At Edinburgh the 28th day of Nov. 1646 years."

In 1646 the Estates, after re-appointing the war committees in the several counties, named a Parliamentary committee to investigate all claims for loss by sea and land to loyal subjects owing to the war. The members were—the Earls of Eglintoun, Buccleuch, and Dalhousie; Lords Cowper and Innerpeffer; the Sheriff of Galloway; and six others.

In the year 1646 the young Sheriff received a renewal (under the Parliamentary regime) of a commission, giving him extensive powers among the "fleet" of herring fishers, the tenor of which clearly proves that there were many vessels then engaged in trade and fishing on the Galloway coast. (The former commission has not been preserved.)

"Me Archibald, Marquis of Argyle, by thir presents do give power and Commission to Andrew Agnew, apparent of Lochnaw, Sheriff of Galloway, to ask, crave, uplift, receive, mell and intromit with the assize duty of all ships, barks, boats, crearis,[1] and

[1] Lighters.

other vessels liable in payment thereof that are or shall be at the herring fishing in the seas, lochs, and bounds betwixt the Mule of Galloway and the march of Carrick. And that from the fishers and slayers of herring within the said bounds, and from the owners and merchants of the said ships, barks, boats, and others adepted in payment of the said assize duty of the year of God 1636 and 1637 and yearly in time coming during our will and pleasure.

"And with power to him, his Deputes and Substitutes (for whom he shall be answerable) to hold Courts among the Fleet, fishers, and slayers of herring, salters, coopers and others intromitted with; and to administer Justice to all complainers and to punish unlaw; and to that effect to create Clerks, Officers, and other Members of Court needful, and if need be to pound and distrain for the said Assize duties and unlawes required; and for better ingathering thereof to appoint Collectors and Factors under him. The said *Andrew Agnew* being comptable to us yearly for the —— of the said Assize duties, and having all the rest allowed to him for his pains and travel. It is always declared that these presents shall noways be extended to any parts of the bounds whereanent we have formerly given warrants to the Lord Bargany concerning the Assize duty of the bounds therein named.

"Subs. at Edin. the 18th day of December one thousand, six hundred and forty-six years, before these witnesses, And. Campbell, Capt^{n}. of Dunstaffnage and the said George Campbell.

"ARGYLE."

It will hardly be argued that the fleet, boats, fishers, merchants, and coopers, were all "in nubibus!" That the coasting trade was carried on with energy is fully proved from a fact traditionally handed down, and corroborated by the Montgomery MSS., that at that period traders from Stranraer were (during the long summer days) in the habit of leaving home in the early morning with their wares on horses, crossing the Irish Sea from Portpatrick to Donaghadee, and standing the market at

Newtonardes. Their business done, they returned to Scotland the same evening, betokening no little activity and enterprise when we consider the strong currents in the Channel as well as the very indifferent craft in which they had to perform their voyage.[1]

Chalmers' statistics are perhaps correct, that

"At the Revolution of 1688, Wigtownshire had not any ships, if we may except four boats which were employed in 1692 by the people of Stranraer."[2] This has been repeated by all subsequent writers; but even if literally true as to 1688, it has given rise to a most erroneous impression that the people of Wigtownshire were from *time immemorial* unenterprising and apathetic. An English tourist thus quaintly gives his impressions in 1742, when the "ships, barks, boats, and creares" had all disappeared, as well as "the fishers and slayers of herring."

"As we passed the Peninsula, we stopt at Stranraer. On each side of this isthmus is an excellent road for ships, but we could discover no genius in the people for trade or for sea affairs of any kind.

"Though its situation is extremely convenient for carrying on a very advantageous commerce, we saw nothing but a harbour without ships, a port without trade, and a fishing without nets. This is owing partly to the poverty, and partly to the disposition of the inhabitants, who are indeed a sober, grave, and religious sort of people, but have no notion of acquiring wealth by trade, for they strictly obey the Scriptures in the very letter of the text, by being content with such things as they have."

A century had then operated a very great change in affairs for the worse.

Soon after the battle of Philiphaugh, Colonel James Agnew married Marion Kennedy, daughter of the Laird of Ardmillan, and died in Edinburgh in 1648. A portion of his wardrobe had been left at Ardmillan, and was delivered over to his brothers by his mother-in-law with scrupulous accuracy. It is curious

[1] Montgomery Papers. [2] Caledonia.

enough to copy, as showing a smart young soldier's spare baggage.

"The Inventour of the Cloathes belonging to umquhile Colonell James Agnew, deliverit be the Lady of Ardmyllan to his brethren.

"*Item*, in the first.—Ane suit of Light collorit cloathes and cloak.

It. Ane suit of blak cloathes with the cloak.

It. Ane Buff Coat with sleives flammarit with Silver Lace.

It. Ane old Blak Velvet Coat, with ane pair of red-scarlet breeches with lace on them.

It. Ane sad colloured Doublet with silver and gold pearle on it.

(The Cloak and breeches thereof is with himself at Edinburgh.)

It. Ane old Red Coat with ane pair of Grey Breeches, and ane Red Cloak.

It. Ane hat with ane gold hat band. Hafe serks, hail serks of Lining, etc., etc.

It. Ane pair of *Seles*. *It.* Ane pair of Dutch pistolis."

"All the which items above mentioned we Andro Agnew appeirand of Lochnaw and Alexander Agnew Lieutenant Colonell to the Erle of Gallowayes Reg^{t} grants us by thir presents to have received fra the handis of the Laidie Ardmyllane etc., witness our hands at Ardmyllane, 20 day of July 1648 years," etc.

Lord Kirkcudbright's regiment, which James Agnew had commanded with so much credit, was the following year sent to Ireland, and all but annihilated by the English Parliamentary forces at Lesnegarvey in Ulster.

The Sheriff, in 1647, advanced a sum of a thousand pounds as a voluntary loan to the nation, for which he received a receipt. "Seeing Sir Patrick Agnew of Lochnaw, Sheriff, at the desire of the Lords of the Committee of Moneys for the north, has lent and

advanced to us one thousand merks, we therefore in the said Committee of Parliament, bind and oblige the Estates of the kingdom to pay to the said Sir Patrick, his heirs, etc., the said principal sum with the annual rent thereof, out of the first and readiest moneys that shall arise out of the taxation, or any impositions hereafter laid upon this kingdom," etc.

The receipt is signed by—

(Signed) "CASSILIS. ARCHIBALD SYDSERFE.
"SOUTHESK. J. W. BOYD.
"JOHNE KENNEDY."

When King Charles put himself into the hands of the Scotch army before Newark, among other leading persons who went up to treat with his Majesty were Cassilis and the Laird of Garthland; and on this occasion the latter was knighted, a fact rather amusingly noticed by his biographer as a proof of his *Royalist* leanings. The poor king, although he thought it worth while to lavish certain blandishments on the opposite party, could certainly not have endorsed the character of a good Tory (which Crawford gives Sir James), nor appreciated the zealous loyalty of either Cassilis or M'Dowall!

Towards the close of 1647, there was another general election. Sir Andrew Agnew was re-elected,—but not M'Dowall of Garthland,—Sir Robert Adair being returned along with him.

This Parliament, historically termed the second Triennial Parliament, assembled at Edinburgh the 2d of March 1648; and its existence was prolonged during eight sessions, into the reign of Charles II., to its final prorogation in 1651. During the first session the Estates were involved in constant disputes with the General Assembly; their principal legislation was with regard to the conduct of the war.

On the 18th April, the War Committees over the whole country were re-appointed; that for Wigtownshire showed several changes. A curious family feature in the Committee for 1648, is the patriarchal position occupied by the Sheriff, Sir

Patrick. Among its members were his three sons, Sir Andrew, the young Sheriff, Patrick Agnew of Sheuchan, and Colonel Alexander Agnew of Auchrocher; his ward Agnew of Galdenoch; his kinsmen Agnew of Croach, and Agnew of Wig; his five sons-in-law, Alexander M'Dowall of Logan, Uchtred M'Dowall of Freuch, Hugh M'Dowall of Knockglass, Baillie of Dunraggit, and Cathcart of Carlton; his grand-son Patrick M'Dowall, younger of Logan; besides a numerous cousinship, Lord Cassilis, Vaus of Barnbarroch, Ross of Balniel, and Lord Garlies, the young Sheriff's brother-in-law; and had these old Sheriffs preserved their family Bibles, no doubt many more connections might be discovered, as it is now impossible to trace out the marriages of the younger branches of the family.

Besides the more powerful houses of the M'Dowalls, there appear as proprietors at this date, M'Dowall of Killeser, M'Dowall of Leffnol,[1] and M'Dowall of Dalreagle.

Three Gordons appear on the list, designed Gordon of Craichlaw, Gordon of Grange, and Gordon of Balmeg.

William Maxwell of Monreith, whose name was not on the first Committee, appears upon this one, as well as on the Committee for 1646.

The Laird of Larg mentioned was one of the Lynne's or (Lin); and Viscount Airds appears on the Committee on this occasion only.

After a stormy session, Parliament adjourned for the autumn, and re-assembled at Edinburgh on the 4th January 1649.

Both the members for Wigtownshire were, as before, present in their places. Among the first acts passed were a list of fourteen instructions sent by express to the Scotch Commissioners in London.

No. 1 enjoined them not to import to the chiefs of the army their approbation of any violence used against the Parliament, or any member of it.

No. 7. That they should induce them to "delay to meddle with the king's person."

[1] M'Dowall of Leffnol was a cadet of Garthland.

No. 9. "If they proceed and pronounce sentence against the king, that ye enter your dissent and protest, that this kingdom may be free from all desolation, misery, and bloodshed that inevitably will follow thereupon, without offering in your reason that princes are eximed from trial of justice."

No. 14. "To show that the king's last concessions are not satisfactory to us in point of religion."

The glimpses thus obtained of the feelings of the majority of the Scotch covenanting leaders are extremely interesting. On these resolutions being put to the House, and declared carried, another motion was made and also carried, that a solemn fast should be held; upon this a discussion arose whether the committee who were to bear the resolutions to England should go "*presently*, the king's life being in such hazard, or be detained three or four days till after the fast." After much dispute, it was carried by voices that, as the business of greatest consequence was the king's preservation, the house should "immediately proceed to the drawing up of the necessary instructions, and despatch the committee on their errand."[1]

The unfortunate Charles having been executed, notwithstanding the remonstrance of the Scotch Parliament, on the 5th of February, the Estates commanded his son to be proclaimed at the cross of Edinburgh as Charles II., king of Great Britain, France, and Ireland, and on the 15th February they passed this resolution—"The Estates of Parliament have resolved that this kingdom be put in a posture of defence and for the better and more speedy effectuating thereof nominates and appoints the persons underwritten to be Colonels and Commanders of Horse and Foot, viz., For the Shire of Wigtown, the Earl of Cassilis, the Sheriff of Galloway, Sir Robert Adair, and Colonel William Stewart" (and so on for the other counties). They then proceeded formally to name and re-appoint the Committees of War.[2] Lord Garlies declined to act, considering that the Parliament had not sufficiently supported the late king; otherwise there was little change in its constitution. The Earl of Cassilis, and Sir Patrick

[1] Balfour.

[2] *See* Appendix.

Agnew were the two first named, and Patrick Agnew of Sheuchan was convener.

The colonels nominated were ordered instantly to attend to the training and exercise of the levies, each company of foot and troop of horse were to have a rendezvous assigned them in their respective parishes, and to meet there one day in every week under a penalty of 1s. for the foot soldiers, and 2s. for the dragoons, and were besides to have regimental parades at fixed places, once in the month, non-attendance at which involved double penalties. And following up this vigorous action :—

On the 14th of March the Estates proceeded to nominate "a grand Committee of able and well affected persons, for doing, acting, and ordering all things relating either to peace and war, to whom or any nine of them, the Estates grant power warrant and commission to give such orders as they shall think necessary, and conducing to the right ordering and governing the whole body of the kingdom.

"They are hereby warranted to authorise Commissioners to treat and conclude with the King's Majesty and the kingdom of England, and also to negociate with any foreign power.

"With power to give orders to the several Shires and Boroughs, for raising such numbers of horse and foot as they shall think necessary, with powers for providing arms, ammunition, victuals, and other necessaries, to appoint places for rendezvous, and give orders for their quartering and entertainment.

"To appoint such General Officers as they think fit, and to disband the armies and forces as they shall think adviseable.

"With power to cite before them all persons guilty, to take trial of their carriage and behaviour, and to pronounce sentence and determine against them as they shall find just.

"And generally, with power to do, act, order all and sundry other things that shall be found necessary for the good of Religion, the honor and happiness of the King and his Posterity, the Union between the kingdoms and the Peace of the kingdom."

On this committee to which these sovereign powers were delegated were—

The Earl of Cassilis, Thomas Lord Kirkcudbright, Sir Andrew Agnew of Lochnaw, and Sir Robert Adair, in addition to a long list of distinguished persons in other parts of Scotland. The Parliament also appointed "Commissioners for Plantation of Kirks and Valuation of Teinds;" among whom were the Earl of Cassilis, Sir Andrew Agnew, and Sir Robert Adair.

The Estates then adjourned till May, when they re-assembled; they then fixed a regular scale of pay for the officers of the army, which may be considered worth insertion.

"A List of the OFFICERS of a TROOPE and the Establishment of their Month's Pay.

To a Root-master (per month)	£120	0	0	To a Corporal	£27	0	0
„ Lieutenant of horse	66	12	4	„ Smith	23	0	0
„ Cornet	50	0	0	„ Kettle-drummer	25	0	0
„ Quarter-master	33	6	8	„ Trooper	18	0	0

"OFFICERS OF FOOT.

To Colonel (per month)	£200	0	0	To Provo marshall	£30	0	0
„ Lieutenant-Colonel	120	0	0	„ Sergeant	15	0	0
„ Major	100	0	0	„ Piper and drummer	12	0	0
„ Captain	66	13	4	„ Soldier	9	0	0
„ Lieutenant	40	0	0	„ Ministers, when they are present	66	13	4
„ Surgeons	40	0	0				
„ Ensign	30	0	0				

"A Lieutenant-General (including allowance for secretary), to have monthly £1274 : 13 : 4."

And as a further proof that there is nothing new under the sun, we find our ancestors recognised "*Our own Correspondent*" in the camp, a profession ignorantly frowned down by Peninsular officers as a modern innovation!

Included in the vote for military services is the item—

"To the Writer of the History of the Times, £200 per month!" (Act 27th June 1694).

It is also minuted in the Parliamentary records, that

"Sir Andrew Agnew, apparent of Lochnaw, Sheriff of Gallo-

way, and the Laird of Bargatoune (Sir William Grierson), as Commissioners of the Estates, do nominate Sir Robert Adair to have the fourscore horse to be levied out of Galloway."

Sir Andrew Agnew was appointed chairman of a committee for investigating claims for losses during the civil war—a duty which was no sinecure.

Previous to the close of the session, the Estates again nominated a commission for carrying on the government during the recess, and Sir Andrew Agnew and Sir Robert Adair of Kilhilt were both again chosen to act as commissioners.

Before the prorogation of Parliament, Sir Andrew complained of the non-payment to his late brother of certain sums due to him out of Lord Herries' estate; upon which the Estates took very summary action. The detail of the case exemplifies the Parliamentary procedure of the times.

"*Edinburgh 2d Aug^t.* 1649.—The Committee of Bills having heard and considered the supplication of the *Sheriff of Galloway*, showing that he being nominat executor to umquhile L^t.-Colonel James Agnew his brother, quha was L^t.-Colonel to the umquhile Lord Kirkcudbright his regiment;—and quhilk Regiment did for their good service at Philiphaugh get alloted and appointed to be payed fifteen thousand merks out of the Lord, Herries his estate, for which sum the said Lord Herries being forfalt, before it was rescinded he paying the said sum to the officers of the said Regiment, whereof neither the said supplicant nor his said umquhile Brother before his decease did get nor has gotten nothing thereof.

"The Committee foresaid finds the said supplication instructed by the production of the Act of Parliament granted in favors of the said umquhile Lord Kirkcudbright his regiment for the sume foresaid;—As also finds that the supplicant has sufficient right as Executor foresaid to seek payment of the *sum of three thousand seven hundred and fifty merks* which is the just fourth part of the said sum of fifteen thousand merks; and which is testified under the hand of the Quartermaster of the said Regi-

ment to be due and yet resting to the said umquhile James Agnew.

"In regard whereof and of the supplicant's good deservings and constant affection to the cause now in hand, it is the humble opinion of the Committee that the said Lord Herries be ordained to pay to the supplicant the said sum of three thousand seven hundred and fifty merks, which is the just fourth part of the said sum, quhilk the said Lord is formetly ordained to pay by Act of Parliament, and is due to the supplicant and to his umquhile brother in manner foresaid.

"And that the Parliament grant letters to charge the said Lord Herries to pay the same, and also give warrant to the General Officers of the army that they may give order to their under officers to quarter on the said Lord Herries his lands till he make payment to the supplicant of the said sum of three thousand seven hundred and fifty merks money foresaid.

"Mr. J. HAY, *I. P. Com.*"

"*Edinburgh, 7th August* 1649.—The Estates of Parliament recommend to the Committee of Estates the Report above-written, with power to them to determine therein as they shall think fit.

(Signed) A. JHONSTON, *Cls. Rigri.*"

The last Act passed in the session was a "Ratification to Sir Andrew Agnew, apparent of Lochnaw, Knight, of the Sheriffdom of Wigtown, as heir-apparent to his Father."

Sir Patrick had held the office for thirty-three years, and now being nearly seventy years of age, and the country in a very unsettled state, he wisely resigned it in favour of his son, who was fully qualified to perform the duties.

In the course of 1649, the first Earl of Galloway, father-in-law to the young Sheriff, died, and was succeeded by his eldest surviving son, James, Lord Garlies, who in 1642 had married Nicholas, daughter of Sir Robert Grierson of Lag.

The Sheriff's nephew, Lord Kirkcudbright, had also died, and leaving no issue, was succeeded by his cousin, John M'Clellan of Borgue. He bequeathed to his cousin, the young Sheriff, the

lands of Glenturk, Carslae, and Carsgoune, as well as the Mill of Kirkcudbright.[1]

Early in 1650 Sir Andrew and Lady Agnes Agnew's daughter Grizzle was married to Hew Cathcart of Carleton. The young couple were visited at their residence, Killochan Castle, by Livingstone, who has left this sketch of the good laird, whom he designates "an experienced Christian:"—

"I have been sometimes in his house all night, and found it was his ordinary way to spend the mornings alone till the family convened, and cushions were cast down; and then being called out of his closet, he went to worship, and prayed both earnestly and confidently, after which he retired to his chamber without ever taking notice who was in the hall, till meat was set upon the table; and then he came out and welcomed his guests very kindly."

The eldest son of this worthy couple was created a baronet in 1703.

A word is here necessary as to Galloway politics, respecting which there is much misapprehension.

It must always be remembered that the Scotch Estates during the Parliamentary wars were opposed to Cromwell, although they resisted the king; they formed, in fact, a third party in the state. Whilst they wished to ensure entire toleration for Presbyterianism, and to curb the king's prerogative, they were all the while violently opposed to republicanism.

In Scotland there were a few thorough out-and-out Royalists,

[1] "Me John Lord Kirkcudbright heir served and retourit to umquhile Thomas Lord Kirkcudbright, forsameikle as the said Thomas Lord K. by disposition subscribed with his hand 2 Nov. 1646, irredeemably disponed to Andrew Agnew, Apparent of Lochnaw knight, the lands of Glenturk, Carslae, and Carsgoune, with their houses, biggings, haill parts, pendicles, and pertinents.

"I being most willing to fulfil the same charge Wm. M'Kie notary-public (and others) to pass to the ground and there give heritable state and seizing and corporal possession to Andrew Agnew or his attorney, etc.; and I have subscribed these presents before John M'Culloch of Wigtown, John Vaus of Barnbarroch, Thomas Stewart Provost of Wigtown, the 17 April 1650.

"KIRKCUDBRIGHT."

popularly called *Malignants*, but of such there were absolutely none in Wigtownshire; there all the baronage supported the action of the Estates. The war committee lists prove this. All the principal families, Lords Cassilis and Galloway, the Agnews, the M'Dowalls, Adairs, M'Cullochs, Dunbars, Vauses, acquiesced. Lord Garlies himself, much as he inclined to the Royalists, was actually *convener* of the Parliamentary war committee in 1644.

When the Estates in 1649 proclaimed Charles II. king, they placed themselves in direct antagonism to the English Parliament; but they always so far qualified their loyalty, that they were not prepared to admit him to his kingly prerogative until he had taken the Covenant, and this the "Merrie Monarch" was very loath to do.

The "Malignants" meanwhile asserted themselves to be the only true Royalists; yet as Charles for a while identified himself with the Estates or Covenanting party, these last, in opposition to the English Parliamentary party, were certainly *Royalists* also. For distinction we may perhaps be allowed to call them *Whig-Royalists;* between which Whig-Royalists and the Tory (sometimes termed Highland) Royalists, it was war to the knife.

In Galloway at this date all ranks were staunch supporters of the Scotch Parliament.

In 1650 Cromwell invaded Scotland, and the Whig-Royalists bore the brunt alone, the Highland Royalists holding themselves aloof whilst Cromwell won his decisive victory of Dunbar, completely routing the Covenanters.

The Galloway levies were present at this unfortunate affair, but their colonel, Sir Robert Adair, happening to be on the sick-list, he rather amusingly made a merit of his malady two years later. Adverting to his involuntary absence, in a petition to the commissioners of the Commonwealth, as a claim for the restoration of his Irish estates, he was fortunate enough to have his plea admitted; Fleetwood, Ludlow, and Jones reporting his case with their opinion appended:

"Favourable. Inasmuch as he was not at the head of his

regiment at Dunbar on account of illness, having retired to his house in the south-west of Scotland, and demitted his charge."[1]

Notwithstanding the crushing disaster at Dunbar, so little were any of the lairds of the western shires inclined to submit to Cromwell, that they set about raising four new brigades, and so active were they in recruiting, that in a very short time 3500 horse were embodied. Sir Robert Adair, notwithstanding his having "demitted his charge" at Dunbar, accepted a command on this occasion. And Lord Kenmure, in order the more to recommend the service, had a huge cask of brandy carried at the head of his corps, "which," says an eye-witness, "was well known to the whole army by the merrie appellation of Kenmure's drum!" But the valour thus stimulated was, alas! never brought to bear upon the republicans. Charles showed himself quite unequal to the emergency, and by the time the Galloway levies were organized, his cause was hopeless. Nevertheless it is quite a mistake to suppose that the Galloway men, although staunch Presbyterians, were ever inclined to make common cause with the English Independents, or had any fancy for a republic.

In 1652, when the Parliament at Dalkeith accepted the Proposition historically called "the Tender," to incorporate England and Scotland in one republic, the Commissioners from Galloway, though in a small minority, determinedly opposed it.

But opposition was useless, and at last the lairds of Wigtownshire were forced to concur. The Laird of Garthland proceeded to London early in 1653 to make formal submission in the name of the Galloway barons, and "advised with the Protector anent the settling of their affairs;" Cromwell promising that their Sheriff should be confirmed in his jurisdiction, and to make no charges or confiscations, except in case of renewed resistance.[2]

All the Galloway barons then bent to the storm, excepting old Lochinvar (Viscount Kenmure), who, with a large gathering of his clan, retired to the Earl of Glencairn's camp in the Highlands. Lord Galloway and the Laird of Freuch did not rise in arms, but remained at home, and refused to acknowledge the

[1] Adair Papers. [2] Crawford's MSS. History of the Garthland Family.

Protector. As for the Sheriff, though hereditary jurisdictions were abolished as a fundamental principle of the Commonwealth, he received a commission from the Protector, granting him powers similar in most respects to those he had previously exercised, and this was renewed from year to year. Soon after this a strange adventure befell him. As he was sleeping soundly in his Castle of Innermessan one cold winter's night, unconscious of all danger, his house was surrounded by a well-armed band of guerillas, and before assistance could be summoned his doors were forced in, and he himself arrested in the name of Charles II.

The commandant of the party informed his helpless host that he was the king's prisoner, and the dragoons having provisioned their horses from his stables, made free with the contents of the Sheriff's larder; the captain suggesting the necessity of some refreshment to the host himself, intimating that he had a long journey before him. But little time was lost, what the troopers could not stow away under their belts they put into their wallets. The Sheriff was then allowed to select a horse from his own stud, the rest being carried off to serve his escort as re-mounts.

Assuring the weeping Lady Agnes that the captive should be well cared for, the captain gave the word, and the whole party mounting, hurried off in the early gray of a February morning across the marches of Ayrshire; when, turning inland, they plunged with all speed into the wild hills, avoiding all frequented paths, never halting till at a sufficient distance to render them safe from pursuit. But here, soon finding the population everywhere hostile, and subsistence only to be procured by plunder, their prisoner was so much in their way that the captain agreed to allow the Sheriff to go free, on his giving a bond for a good round sum, to render himself at the Highland Royalist camp in Athol:—for these were no other than a marauding party from Glencairn's men who had penetrated thus far in search of plunder.

The Sheriff willingly agreed, the two viewing the matter in very different ways—the partizan, indifferent as to whether his prisoner forfeited his recognizances or not, having strong faith in

the speedy return of "good times," when the bill would be at par. Sir Andrew, on the contrary, having but little respect for the Highland Royalists, looked upon this bond, extracted by force, but as so much waste paper, and calculated on being able to defend himself from all such thieves in future if once again within his castle walls.

A bond for ten thousand merks was signed, and, to the agreeable surprise of his family, the Sheriff rode back again to his plundered house, on the evening of the very day that he had been led off a captive.

The "malignants," by circuitous paths, also reached their camp in safety, but their day was of short duration, for we read, "In the end of the year 1654 Morgan marched into the Highlands, and had a small engagement with Middleton (who had now taken the command), which broke that whole matter, of which all people were grown weary, for they had no prospect of success, and the low countries were so overrun with robberies on pretence of going to assist the Highlanders, that there was an universal joy at the dispersion of that unruly army."[1]

Among those then taken was a certain Captain Somerville, who was identified as the hero of the escapade at Innermessan, and whom the young Sheriff recognised under very different circumstances, the captain being now himself a prisoner. Sir Andrew Agnew now demanded the return of his bond, but this the captain asserted he had mislaid; and consequently the Sheriff caused a discharge to be prepared, and duly registered in the books of Council; which document now authenticates an interesting little episode in Galloway history.

"Be it known to all men by thir presents, me Captain James Summervaill now Prisoner at Halyrudhous sumtyme Roodmaster in Sir Arthur Forbons his Regiment of Horse; forsameikell as I by virtue of the Commissione I had at that tyme, in the year 1654 yeirs in the moneth of February, I having taken and apprehendit Sir Andrew Agnew, Sheriff of Galloway prisoner at his awine hous in Galloway; and after I had carried him sixtein

[1] Bishop Burnet's *History of his Own Times.*

myles from his awine hous, the said Sir Andrew to procur his personall libertie did grant ane band to me the said Captane James Sommervaill for his personall appeirance prisoner to me at the Weime in Atholl in garrison to the Scotch partie, betwixt and the twentie-fyft day of March next thereafter; and that under the paine of ten thousand merkes. . . . And now seeing that the said band is lost, so that I cannot delyver the same, quhilk I am willing to doe if I had the same; therefore witt yee me Captain James Sommervaille to have exonered, quytclaimed and simplie discharged the said Sir Andrew Agnew of the said sum of ten thousand merks, etc. etc.

"At the Cannogait ye twentie-first day of June 1655 yeires before Sir George Maxwell of Nether Pollock, James Dennestoune of Cowgrane, etc. (Signed) Js. SOMERVELLE.

"Neather Pollok, *witness*."

Cromwell's power was now firmly established, and amongst various changes, all heritable jurisdictions were formally abolished, and English Judges were sent to preside in the higher Courts at Edinburgh. These latter acquitted themselves well; and by their good conduct mainly contributed to the acquiescence of the Scotch in the Protector's rule, for whom otherwise the nation had no liking.

A droll story is told on this subject.

A young lawyer was remarking to an old Scotch judge upon the fact, that justice had never been more impartially administered in Scotland than during the Commonwealth; and that it was well established, that the decisions of Cromwell's judges were more uniformly in accordance with the true spirit of Scotch law than those of their predecessors. "And no thanks to them, sir!" testily broke in the Lord of Session; "they had neither kith nor kin in the country, sir! Take that out of the way, sir, and I think I could be a good judge myself."[1]

Able now to assert his power in the west, Cromwell fined Lord Galloway four thousand pounds for contumacy; and the

[1] Brown's *History of Glasgow*.

Laird of Freuch, who had headed various attacks upon the Protector's soldiers, had his house burned by them in revenge, and was himself taken prisoner to England.

Lord Galloway was unable to meet at once so large a money fine; but his brother-in-law promptly came to his aid, and advancing ten thousand merks (a very large sum for a country laird in those days), saved the noble lord's possessions from a visit of the bailiffs.[1]

These severities were regretted by many who had become favourably disposed towards the Protector. Livingstone, the minister of Stranraer, whose only wish was for peace and quiet, took an opportunity of appealing to his better feelings.

"In the year 1654," he says, "when I was in London, I propounded to the Lord Protector that he would take off the heavy fines which he had laid on several in Scotland, which neither they were able to pay, and the payment would alienate their minds the more. He seemed to like the overture; but when he had spoken with his council, many of them being to have a share in these fines, they went on with their purpose."

[1] "At Edinburgh the 15th day of December, the year of God 1655, compeared John Muirhead, Advocate, Procurator for James, Earl of Galloway, who gave in the obligation underwritten, subscrived with his hand, desiring the same might be registrate in the High Court Books of Justice.

"Be it kend till all men be thir present letters, We, James, Earl of Galloway, Lord Stewart of Garlies and Glassertoun, to have borrowed and actually received from the hands and deliverance of Sir Andrew Agnew, apparent of Lochnaw, all and haill the soume of ten thousand merks money, to the dooing of my necessar affairs, whereof we hold us well content: Quhilk sum of ten thousand merks money foresaid, we faithfully bind us, our heirs, executors and successors to us in our lands and heretages, and intromitters with our goods and gear whatsoever, thankfully to content pay and again deliver to the said Sir Andrew Agnew," etc.

CHAPTER XXII.

SHERIFF'S LANDS IN IRELAND.

Scotorum cumulos flevit glacialis Ierne.—CLAUDIAN
O'er heaps of Scots when icy Ireland mourned.

As a necessary appendage to the Sheriff's biography, we must here allude to several affairs in Ireland greatly affecting his personal interests during these stirring times.

In a curious letter addressed to Lord Antrim, under whom he held his Irish Estates, Sir Patrick Agnew in most courtly phrases excuses himself for his absence from a manorial court, of which the earl had given notice; although professing a very polite indifference as to what his lordship might do in consequence.

This letter, the original of which we have recovered, is docketed on the back, in Lord Antrim's handwriting—

"*Sir Patrick Agnew's letter submitting to my courtesie.*"

"I ressaveit ane letter from your servant John Agnew showing me that your Lordship was appointit with your Tenants of the Barony of Glenarm upon Monday the seventh of this instant August . . which gladlie I wold have kept, gif it had been but to have come (according to my bounden deutie) to kiss your L. hand; but there is an appointment and reference betwixt the Erle of Cassilis and me at Mayboll the nynth of this month which I must keep, in regard the reference is in the friend's hands and the Erle will be there and gif I should not keep the day our reference will expire. . . I have been more considerate in your L good mind towards me, nor all my Les is worth, bott howsoever my Les is absoluttlie in your L power, doe as it shall please your lordship . . for it was mor out off the luff I caritt

to your Lordship's nobill Father and his nation than for any gan I haiff. . . But as I have ever had that luff and respect to your Lordship and all yours, I am confident of your Lordship's good and generous dealing with me, as I shall ever prove a thankful and true servant to your L, and shall procure to your L thanks from some of your honourable friends at Court for your L fair dealing with me. So in this and all other things, being willing to obey your L to do quhat you command—

"I am, y^{r}. Lordshippes m^{t}. humble servant,

"PATRICK AGNEW."

The result of his correspondence was the renewal of the lease of the Glenarm and Kilwaghter Estates, on terms equivalent probably to those accorded by "Sorly Boye;" but the lordship paid nominally an increased rent to meet the advance in general wealth and the decrease in money value.

The Sheriff received a document bearing—

"This Indentour made the 14 April 1636 between the R^{t}. Hon^{ble}. Sir Randall M^{c}Donell Knight, Earl of Antrim on the one part, and Sir Patrick Agnew of Lochnaw in the realm of Scotland, Knight and Baronet Sheriff of Galloway on the other part witnesseth, that the said Sir Randall etc. doth demise unto the said Sir Patrick all that his three tounland which is now in the possession of the said Sir Patrick Agnew and his Tenants in the Loch of Larne, viz. Lelies Druminidonachie, Drummiho with Beliaderdawn etc. according to the ancient bounds and limits of the same, *as the said Sir Patrick now enjoys the same.* To have and to hold during the tyme and terme of threescore and seventeen years from the feast of Philip and Jacob next, commonly called May day, he alway delivering therefore to the said Earl yearly the sum of twenty pounds sterling; and as much good clear oats as any twenty acres within the Barony of Glenarm shall yield; also upon demand the sum of three pound stirling current and lawful money. . . . .

"And the said Earl shall and will warrant and defend the premises to the said Sir Patrick Agnew against all persons whatsoever.

"In witness whereof both parties hereunto interchangeably put their hands and seals the day and year above written.

"ANTRIM.

PATRICK AGNEW."

Thus the rate of feu-duty to be paid by the Sheriff was fixed for the remainder of the century.

Ireland at this date was in a most unsettled state; and, unfortunately for all parties, Strafford chose to assume that all Protestants were politically of the Puritan party, and disaffected to the king, and consequently, in 1639, he disarmed them—almost all the Sheriff's tenants in Ulster being included in the number.

Thus, when the Rebellion broke out in 1641, the Protestants were utterly defenceless. The whole of the country fell at once into the hands of the Roman Catholics, and a fearful massacre was the result; producing in due course as fearful retaliations.

The town of Larne was fortified and held by the inhabitants of the adjoining lands, under the command of the Sheriff's agent, Captain Agnew (probably a kinsman).

Belfast was saved by the individual bravery of a Mr. Lawson, a merchant. The principal inhabitants were in the act of flight, when Mr. Lawson seized a parcel containing seven muskets and eight halberts, which had been shipped for Carrickfergus. He then got hold of a drum, and beating it through the town, raised twenty men; and arming this nucleus of a corps, their appearance before many hours attracted a hundred and twenty more, horse and foot, armed and well appointed.

Having thus induced the good people of Belfast to stand on the defensive, their courage was so much fired by the spirit of their leader, that they marched at his bidding that very evening to Lisnegarvy; and assuming the offensive, attacked and drove the rebels out of the place, returning greatly elated, having released many of their friends, and re-taken a large amount of plunder.

Notwithstanding this gallant affair, the rebels had the com-

mand of all the rural districts. The majority of the Sheriff's tenants saved their lives by flight, but were of course rather in a condition to require assistance from their landlord than to pay their rents; their homesteads being in possession of the Roman Catholics.

The young Sheriff was one of the Commissioners, who, in 1644, received "power to repair to Ireland, to give their best advice, assistance, and orders, for the good welfare of the Scottish army,"[1] and to regulate the carrying on of the war. The Protestants soon recovered their ascendancy, but the country was in a dreadful state; and a deadly feud, as was to be expected, raged between the two religious parties.

Affairs were just beginning to wear a more hopeful appearance, when the successes of Cromwell, and the prominence acquired by the Independents, introduced a new element of discord; and before long, the animosities between these and their co-religionists the Presbyterians, rose to such a height, that the Commissioners of the Commonwealth determined to extinguish them peremptorily; and being Independents themselves, they formed a scheme (which would certainly have effected their purpose), which they coolly announced to be no less than "*the removal of all the popular Scots out of Ulster!*"

Lord Kirkcudbright's regiment, containing many Galloway names of note, was sacrificed, and all but annihilated, in the fratricidal strife which preceded this proposed measure of pacification. In pursuance of their resolution, the Commissioners issued a proclamation in 1653, announcing their intention of transplanting the leading Presbyterians of Down and Antrim into Munster, accompanied by a list of two hundred and sixty persons, including Patrick Agnew, the Sheriff's agent; Francis Agnew, one of the clan; James Shaw of Balligelly, a neighbouring gentleman of note; and Sir Robert Adair, whom, however, the Commissioners must first have caught, as he was residing in Galloway.[2] Viscount Airds was also ordered to emigrate, but he was also safe, and on Scottish ground.

[1] Acts of Parliament, 1644. [2] Reid.

The Sheriff and his son exerted all their influence, in conjunction with others connected with the sufferers, to induce Cromwell to listen to calmer counsels; and were so far successful that this audaciously cool scheme never took effect.

The young Sheriff was constantly, either on public or private business, crossing the Channel during these stormy years; and a great heap of papers bear record to his presence there, a few of which we shall quote.

In such times we are not surprised to hear of embezzlements by sub-collectors, as for example—

"The Humble Petition of Sir Andrew Agnew to the Honourable Commissioners of the Revenues of the Province of Ulster; humbly showeth,—

"That whereas your Petitioner obtained an order from your Honours for the getting down his sequestrated rents in July 1652 and was in possession of and receiving the same. Howsoe it is, may it please your Honours, that the Collector of the Baronie of Glenarm hath taken upp a month's rent contrarye to your Honours' orders and keeps the same constantly from mee without any right or equity.

"May it please your Honours, the premises taken into consideration and the wrong done unto your Petitioner; and be soe favourably pleased as to grant such orders that Major M'Callie who was then Collector may restore your Petitioners month's rent according to your Honours' orders granted unto him.

"And hee shall ever pray," etc.

The petition itself was returned to the Sheriff, with this order endorsed on the back.

"Belfast this 28th of October 1653,—

"The Collector mentioned in the petition is required to restore the month's rent alledged to bee kept from Sir Andrew Agnew contrary to the intent of the orders of the Commissioners

of the Commonwealth and of the Commissioners of the Revenue, or to appear this day seventhnight to show cause to the contrary.

(Signed) "Roc. West.
Rich. Bickerstaffe.
Ja. Traill."

Those who had not the same opportunities as the Sheriff of bringing their complaints before the heads of departments, had no doubt often to submit to much greater injustice than the loss of a month's rent.

We cannot enter into any lengthened account of events; but as Colonel Venables is well known to history as an active and much-dreaded lieutenant of Cromwell's in Ireland, we shall quote a letter to the Sheriff by an agent in which he is mentioned; the writer of which, a Galloway man—John Blair, son of the minister of Portpatrick—afterwards acquired the estate of Dunskey from Lord Airds, and married the young Sheriff's niece:

"Larne, this 27 Janr. 1654.

"Right Worschippful,—When I wrote this first Collonell Vendables was not come here, but now I know hee is come, so what it pleaseth yor worshipp to write to him anent yor tenants heere, ye may do it for their helpe. I believe yor worship hardlie knows what break[1] there is in the Quarters,[2] there be many removed,—the fyve quarter land is lyk to be worst. As to the proportion belonging to your Worship of old it is lyk to be broken very sone. Ballygelly[3] desires to be your friend if he could to his power, in this thing. But what is imposed upon it alreddy, to wit two pence upon the shilling more than was before, is lyklie to continue till May, and whether or no it continueth longer I know not. I can say no more to your worschip for the tyme, for I hope yee know my mind.

"Yor worshipp's servant to my power, John Blair.

"*P.S.*—As for the packet of letters wherein that letter to

[1] Bankruptcy.

[2] "*The Quarters*" was the name of a district in the Sheriff's property.

[3] James Shaw of Ballygelly Castle, a leading man.

Collonel Venables was, I saw that not. Bot I gott one from Robert Somervall which I sent upe to Dublin to Collonell Venables quhen hee was heere, but whether or no hee got it I know not, for I have heard no answer of it. Howsoever write now to him, and I shall goe to him myself.

"As for getting land plowing it will hardlie be gotten done, for there is not a pleuche yoked yet in all yor worship's land."

"For the Right Worrshippfull
"Sir Andrew Agnew, Knight, Shirreffe of Galloway."

Soon after the date of this letter the Sheriff crossed over to Ireland himself, as we find from a long letter addressed to him by Sir Patrick, who, although a very old man, entered most minutely into various particulars as to the management of the estates. We quote a few sentences, as the style of private letters at various dates is a curious study.

"Lochnaw the 19 off May 1654.

"Luffing Son,—I resavit your letter persavis the causs of your stay. As to your particulars with Johne Agnew,[1] I percaive ye ar in tryten bot gife ye be advysed be me ye sall newer tryt with him till he produce his lese, writs he has of me must be his ground, for utherways he has nothing to say, and quhen he produces his rycht your compt is sone calculatt. . . .

"There is neither mure or dark[2] that anyone has there of me but he has his writ for it. . . . . .

"I writ to you that ye may eschew the experience that I had.

"So, sone, lett my counsell occasioned of experience be an advertisement to you for ye sall never have thanks or good word behind your back do quhat ye will to him or any of his.

"This Cuntrie is in verie hard estait. Ye writ to me that gife I had ten pounds to send you thame; in God's presense I have not the cunzie of gold but twa punds, and about fourscore pund of money to pay four months mentinents, I had hoped to get my due whan thar was threttine hundred merks due to me, bott I could not have ane grot.

[1] This is *not* Captain John Agnew, the agent for the Kilwaghter estate.
[2] Dark, a certain extent of moss for peat-cutting.

"I can wrett no more for the present; but as ye have occasione be not slaw to writ. The Lord give you prosperity and happie success in all your endevours,—Your luffing Father,

"PATRIK AGNEW.

"I entreat you bring me ane saddell, and let it be of the same lysene[1] of the last, bott not prodigall, nor so high of the ends before.

"To His Luffing Sone
"Sir Andrew Agnew, off Lochnaw, younger, These."

Later in the autumn a Commission sat to inquire into the state of Ulster, and to verify the ownership of land.

Several witnesses were brought before these Commissioners by Sir Andrew Agnew, to prove the immemorial right which his family had in their estates there.

These were each asked, among other questions (all numbered):

"1. If he knew of his own knowledge the lands held by Sir Patrick Agnew from the Earl of Antrim?"

"3. If he had any knowledge of a lease granted by the Earl to the said Sir Patrick?"

"4. If he did know of his own knowledge that Sir Patrick did possess the lands before the late Rebellion?"

To which these are some of the answers:—

"The Deposition of Captain John Agnew of the Barony of Glenarm, aged about 68 years, taken at Belfast in behalf of Sir Patrick Agnew (etc.), 30th Nov. 1654. Being duly sworn and examined—

"To the first interrogation states, that he did know Sir Patrick Agnew's lands. The cause of this deponent's knowledge being that deponent did receive the rents of the said lands for the use of the said Sir Patrick Agnew; and did pay what was due thereout to the said Earl of Antrim for about thirty years before the rebellion.

"To the third interrogation states, that he doth know the said Lease now presently showed unto him to be the same that

[1] *Lacing.* Saddles were then often richly embroidered.

he did see signed by the late Earl of Antrim and delivered to Sir Patrick Agnew.

"The cause of this deponent's knowledge being that he was *present at the sealing and did witness the same*, as also knoweth the handwriting of the late Earl, etc.

"To the fourth interrogation, states, that he doth know (of his own knowledge) that Sir Patrick Agnew was in possession of the said lands for twenty three years before the sealing of the said lease (in 1636) and since unto this day saving a few years that he was kept out by the Rebellion, and the Rebels being beaten out of the county of Antrim the said Sir Patrick possessed the same again. The cause of this deponent's knowledge being as in the first declaration."

"The deposition of James Shaw of Ballygelly, Barony of Glenarm and county of Antrim, Esquire, aged about sixty years.

"Who being duly sworn and examined—

"To the first interrogation, answereth the same with the first (witness). The cause of this deponent's knowledge being for that he hath of a long time known the said lands.

"To the third interrogation, sayeth, that he hath often seen the said lease now showed unto him and hath had the lease in his custody on behalf of the said Sir Patrick; and knoweth the handwriting of the late Earl of Antrim (and the other persons) signing the lease.

"The cause of this deponent's knowledge being for that he was well acquainted with the said persons and upon many occasions had reason to know their handwritings.

"To the fourth interrogation, answereth, that he knew (of his own knowledge) the said Sir Patrick to be in possession of the said lands for forty years past saving four and a half years in the time of the Rebellion; and that now he is in possession again thereof and enjoys the rents and profits of the same."[1]

[1] *Extract of Evidence before Commissioners of Applotment.*

Previous to the first letter of the Sheriff to the Commissioners of Revenue, some of the Commissioners appointed under the Commonwealth being rabid Independents, and exasperated against the Presbyterians, had proceeded to make

Matters were now satisfactorily arranged; and it must also be mentioned that in all the intricate negotiations between the Scotch Parliamentary Commissioners and those of the English Parliament the Sheriff received most able and cordial assistance from his brother Commissioner, Sir James M'Dowall of Garthland.

Sir Andrew had again occasion to visit Ireland in 1655, when things seemingly wore a more cheerful aspect, at least there was some jollification on the Sheriff's lands; for there is an entry in the factory accounts for 1656—

"For drink last Summer when your Worship was here!"

very short work with opponents by sequestrating right and left. The Sheriff's property was in this predicament when his agent Blair applied to Mr. Shaw of Ballygelly, who at once wrote to Major Rawdon, a member of the Superior Commission, as follows:—

Ballygelly ye 20th of Merch 1652.

Much Honerit Schir,—I haiff (sent) this bearer, John Blair the Schireff off Galloways man to follow yor ordurs for the getting an order for the off bringing off the Scheriff of Gallowayes sequestration.

I have sent the Collonell's letter to him and my sense of your respects to him, I wald have sein him my self at this tyme giff I had been abill.

So this being all for the present I rest and ame,—Yor reall frend and servant to dispose off, JAMES SHAW.

For his much Honerit
ffreind Major
George Roden.

In compliance with this Major Rawdon handed to Mr. Blair the following order to take to the Glenarm Commission—

"Belfast, June the 4, 1652.

"The Commissioners of Applotment in the Barony of Glenarm are ordrit to send us an exact particular and certificate under the heads of the lands belonging to Sir Andrew Agnew now under sequestration, and of the rent thereof and the monthly contributions paid out of them. Without which information we cannot proceed according to the Commissioners of Parliament's order and the desire of this letter. (Signed) GEO. RAWDON. JA. TRAILL."

On receipt of this report, the Commissioners ordered the sequestration to be taken off, as before stated in the text.

It is difficult to follow the exact nature of the arrangements between the Sheriff and the Earl of Antrim, the papers having been considered valueless, and not carefully preserved; but on the 20*th June* 1622 there is mention made in a deed of "*the Quarter of Ballikeill and other lands,*" which the "Earl of Antrim *past unto Sir Patrick Agnew and his Assignees, for the terme and time of anc hundred yiers.*"

CHAPTER XXIII.

CRUGGLETON CASTLE.

A strenth thar was on the wattir of Cre
Within a roch, rycht stalwart wrocht of tre.
THE WALLACE.

NOTWITHSTANDING the disorder of the times, the Sheriff's Courts were regularly held at Wigtown, and but for the books of Process having been allowed to go to decay, many curious stories might have been brought to light. A few extracts of particular cases have been preserved amongst the Sheriff's papers.

The following is a specimen; it is, moreover, a case which will be again referred to :—

"Sheriff Court of Wigtoune halden in the Tolbooth therof upon the 21st day of March 1651 years—by Sir Andrew Agnew apparent of Lochnaw.

"Patrick M'Kie, Sheriff Depute.

"The quhilk day John Gordon of Creich being lawfully summoned to have compeared this day to underly our Sovereign Lord's laws for the thieftous stealing, art, part, conselling, resett and away-taking from John Houstoun of Drummastoun, Ninian Garrick in Portzearroch, Umphray Clark, and Andrew Houstoun, merchants, furth of the said John Houstoun his house at the Yle of Quhithorne upon the 14 day of March instant, of the number of twa barrells salt herring, three barrells butter, and four tanned hydes, which upon search and rypeing[1] were apprehended by Nevin Glover, Sheriff's officer, before famous witnesses in the said John Gordon his custody within his house of Polmallert, and now judicially produced as Red-hand,—as also for thieftous stealing and away-taking from Janet M'Ilrae furth of her chest in Borrowmosse of the sum of thirty-four pounds Scots in the

[1] Ripe, rype; to probe, search, investigate.—*Jam.*

month of October last,—whilk dittay was judicially produced by the compearant this day sufficiently verified;—the said John Gordoun being thrice called, lawful time of day bidden, and not compearing, the said Sheriff finds, decerns, and declares the said John Gordon *fugitive* from our Sovereign Lord's law, and his goods to be escheat to our Sovereign Lord's use, conforme to the Laws and practices of the kingdom.

"Whereupon James Turner, Procurator-Fiscall of the said Sheriffdome, craved Act quhilk the Judges granted."[1]

Cromwell united Wigtown and Kirkcudbright into one sheriffdom, abolishing the office of Steward in the latter county; by a commission, dated 12th March 1656, he made Sir Andrew Agnew *Sheriff of all Galloway.*

This commission further bore that "because of the large vastness of our said Sheriffdome through the falling in of that part thereof which was formerly the Stewartry of Kirkcudbright within our said Shirreffe his jurisdiction whereby the people might sustain great prejudice and discommodity through coming to seek justice from the bounds of the late Stewartry to Wigtoun . . . therefore we give full powers and commission to

[1] Having lighted upon the inventory of this procurator-fiscal's residence as handed over to him, *very partially furnished*, we give it as a curiosity :—

"22 May 1651.—Inventor of the Household geir in the Sheriff's place in Wigtoun at James Turner's entrie yeir—

"In the Kitchine.—A meikill Lokit aik kist; Item, a lytill old kist; a west-piece almerie;[1] a maskine fat;[2] a lytill backe breid.[3]

In the bre-cellar.—A meikill kist wanting bottom.

In the pantrie—Twa stand bedds wanting bottoms.

In the Leich hall.—A tabill, boord with benks, and a chyre; a counter-boord in the end thereof; a cupboord.

In the syd chalmer.—Two stand bedds; a laing sedie; a lytill broken boord.

In the east leich chalmer.—A stand bed wanting bottom.

In the west leich chalmer.—A stand bed wanting bottom.

In the leich gallerie.—Twa stand bedds wanting bottom; a auld end of bed. (Signed) J. TURNER."

[1] A *waste-piece* cupboard, place to put odds and ends.

[2] A mashing-vat, or tub used in brewing; *Gyle Fat* (p. 123), also a brewing-tub.

[3] A kneading-trough.

Sir Andrew Agnew to hold Sheriff Courts for doing of Justice to those who are inhabitants of the late Stewartry within the tolbooth of the Burgh of Kirkcudbright . . . . and to the whole remanent of the Shire of Galloway within the Tolbooth of our Burgh of Wigtoun and other places where they used to sit . . . with powers also to the said Sir Andrew Agnew to demand, intromit with and levy our Castlewarden Blenchfarme duties, entries of Tenants, etc. . . . . and command all and sundry the people of this nation that they readily obey, honor, acknowledge, concur with, fortify, and assist our said Sheriff and his Deputes."

A warm friendship had sprung up before this between the Sheriff and James Dalrymple of Stair; both were decided Presbyterians, though neither were imbued with the strong religious animosities from which many excellent men of the day were not free. Both were agreed in resisting the encroachments of Charles I. upon the rights of conscience, imperilling their lives by so doing; both deplored his execution, and took up arms to advocate the hereditary claims of his son. So again, when the Independents were finally triumphant, neither of the two friends in any way courted the Protector's favour; and although both accepted office under him, this was rather pressed upon them than of their own seeking, and no other government but his at the time was possible.

Dalrymple was considerably the junior of the Sheriff in years, but was a frequent and welcome guest both at Lochnaw and Innermessan; whilst living at Balniel he composed his famous "Institutions of the Law of Scotland."

A third generation of the family of Lochnaw were now growing up; Sir Patrick's grandson had arrived at man's estate, and early in the year 1656 his eldest grand-daughter Margaret was married to John Maxwell, young Laird of Monreith.

The lands of Monreith had been for generations in the possession of the Maxwells, but had hitherto been under the Nithsdale family as superiors. On the 20th July 1655, Robert, Earl of Nithsdale, resigned the lands and superiority of Monreith in favour of William Maxwell, the father of the bridegroom, who

then formally resigned them into the hands of the Lord Protector, who thereupon granted a charter erecting the lands of Monreith and others into a free barony, in favour of William Maxwell and his heirs.

The Laird of Monreith had married Agnes, daughter of John M'Culloch of Myrtoun, and by her had two sons—John, and William generally known as "of Loch." The two brothers took different sides in politics, John being a zealous Covenanter, William an Episcopalian. William acquired various lands from the Dunbars; among his earliest purchases were the lands "of Mochrum Loch;" whence his designation abbreviated "Loch," and eventually he succeeded his own nephew in the Monreith estates.

Within a few months there was another wedding in the Sheriff's family, his grandson Andrew marrying Jane, daughter of Thomas Hay of Park.

By the marriage-settlements, we ascertain the rentals of various lands at that date.

"The particular Rentall of the lands underwritten, given down by Sir Andrew Agnew, fear of Lochnaw, in relation to the Matrimoniall contract made betwixt Andrew Agnew, his son, and Jean Hay dochter of Thomas Hay of Park, this 24th of October 1656.

"First rentall of the	Lands of Cruggleton Castle	. .	1000 merks.
Item ,,	Lands of Cruggleton Cavens	. .	300 merks.
Item ,,	Lands of Kirkland, with the teinds		100 pounds.
Item ,,	Lands of Cults	. . . .	600 merks.
Item ,,	Lands of Baltier	. . . .	200 merks.
Item ,,	Lands of Polmallet	. . .	300 merks.
Item ,,	House and Zeards in Wigtoun	.	40 pounds."

Baltier and Polmallet, of which the extent is still unchanged, in place of 200 and 300 merks each, produce £247 and £345 respectively; in round numbers a difference between £25 and £594!

Cruggleton Castle, here mentioned, which, with the lands

belonging to it, had only been acquired by the present Sheriff, deserves a brief notice.[1]

The ruins of this Castle, frowning from their lofty site over the estuary of the Cree, have proved a rich mine of traditionary lore, notices of which are to be found in the Lays of Blind Harry the Minstrel, in Sibbald and Macfarlane's *Manuscript Collections* in the Advocates' Library, in Dugdale, Chalmers, Train, and other more modern authors. Captain Denistoun makes it the scene of a romance in his *Legends of Galloway*, and it is said that in an old black-letter folio, entitled the *Black Nuns of Wigtown*, strange tales of the Castle are to be found, current in the middle ages.

Yet, with no lack of chroniclers, a certain amount of mystery attaches to this interesting old stronghold. Several episodes in its history have been handed down to us, but we have a very imperfect account of its changes of owners, and can gain no particulars as to why it was permitted to decay.

The name is derived from "craig" or "craigle," a rocky place; and "tun," indicating a dwelling.

The ornamental stone used in the building is not that which is found in the neighbourhood, and was either brought from the Isle of Man or from quarries on the Clyde.

Cruggleton, as well as the castles of Borough-head and Castle Feather, was built by the old sea-kings (or Vikings), and careful investigations lead to the conclusion that it was erected by Magnus, king of Norway, A.D. 1096.[2] These fortresses were employed to overawe the inhabitants, to whom they were impregnable; and the Vikings, contented with ruling the seas, having these safe strongholds to retire to at their pleasure, made no further attempt to acquire land. It suited them better to plunder the neighbouring country at times, than to govern and protect it.

[1] "In totis et integris terrarum antiqui extentus de Crugiltoune Castell, cum decimis earundem inclusis, cum *Castro, Turre, Fortalacio, Manerei* loco, domibus, edificiis, *hortis, pomarijs*, annexis, connexis et omnibus suis pertinen."—Service of Sir Andrew Agnew; *Inquis. Special.*

[2] Mr. Train fixes the date at 1093.

The first possessor of Cruggleton after the sea-kings, is said to have been M'Carrol or Kerlie, descended from Carrol, an Irish chief, who for good service in defeating the Danes, and taking Eric the son of Sweyne prisoner, received a grant of certain lands in Ayrshire, which from him were called Carrolton, or Kerleton, now Carlton.

How the Danes or Northmen were originally expelled is nowhere mentioned, but there is a family tradition of the M'Kerlie's to this effect:—After their ancestor had become possessed of the castle, a certain king Haco, when out on a piratical expedition, thought it might be as well to retake it; he stood in for Wigtown Bay, and as a stratagem, sent a messenger to Kerlie, to request the use of apartments for himself, and for leave to beach his vessels on the shore beneath. Had he gained admittance, it was Haco's intention to treat his host as the cuckoo does the poor hedge-sparrow—namely, to eject the occupants and take possession of the warm nest for his own brood. But the Galloway chief was not to be thus caught napping; he sent some wines and provisions to the king, but informed him that a neighbouring creek was a far safer haven for his ships, and begged to be excused from entertaining royalty, on the ground that his castle was undergoing repairs.

Haco apparently took this answer in good part; he encamped on shore at the indicated spot; he drew up his ships on shore, and drank Kerlie's wine. Mutual civilities were interchanged, all communications being carried on by a shrivelled old boatman, who soon became familiar with the garrison of Cruggleton. Kerlie meanwhile kept his eyes wide open, and before long he caught this staid-looking boatman measuring the drawbridge, again he detected him slyly pacing his ramparts, and at last, by means of spies, he became aware that on a given night this same old boatman, landing as usual, was suddenly to unfurl the enchanted standard of the rovers. This flag was woven with hair from a lion's mane, embroidered upon which was a raven, which every night was bathed in human gore, and whenever the folds of this ensign were blown out to the four winds, the three

weird sisters, the Scandinavian fates, came to aid their votaries. The garrison of Cruggleton, rendered powerless by their enchantments, would then have been obliged to look on in helpless amazement whilst the boatman unbarred the gates, and lowering their drawbridge, gave the final signal for the pirates to rush in.

Forewarned is forearmed.—Against such fearful odds Kerlie opposed a stout heart. The night arrived, and at the appointed hour a little skiff stole round the cliffs beneath his stronghold; the watch replied to the boatman's hail, who sprang unsuspectingly ashore, but as he touched the ground, he was seized in an iron grasp, hurried into the presence of the indignant chief, and ordered for immediate execution. He saw that he was doomed, but ere the cords could restrain his arms, he dragged the flag from his person and vainly tried to wave it in mid-air, then instantaneously producing a dagger, plunged it deep into his own bosom. As he did so strange sounds were heard; the spell was working though it had not taken full effect! the affrighted guard loosed hold of their victim whose life's blood was fast oozing out, but yet he laughed scornfully, and cried, "I am avenged!—These walls are theirs to whom this flag belongs. They are yours no more. Friga,—Sangrida,—Hilda,—come! 'T is true I die! but I go to come again; ay, wretches, long after ye have rotted in your graves, as years roll on, on each returning anniversary I myself shall wave the standard again upon these battlements. Meanwhile, I go to point the lightning and to part the hail, to paint the meteors of the pole, to scour the fields of æther upon fiery steeds, and to quaff from the skulls of mine enemies the blood of the celestial vintage!"

Without the stronghold Haco had waited long. He had heard the growling thunder, and watched intently to see the drawbridge fall; but the sounds died away. At length columns of smoke rose from within the yard, then gleams of fire, and then a terrible earthquake shook the ground on which he stood.

Kerlie had fearlessly committed the standard to the flames! The funeral pyre was raised in the castle-yard, the raven displayed

itself in unearthly vigour as the fire darted over the grizzly folds of the drapery, which yet was not consumed. Suddenly the walls of the fortress trembled, the thunder roared above, and a gigantic female form, swooping downwards from the clouds, snatched up the ensign from the devouring flames and rode off upon the storm; the angry waves of the Solway replying to the murmur of the tempest.

Something of this King Haco saw; and this at least he clearly understood, that he had been found out! Next morning his fleet was to be seen far out at sea, hurrying off with crowded sail, and was never heard of more. But ever since that night, once yearly, at the witching hour, a boatman in a magic skiff steals round these cliffs, lands, and plants a flag upon the grassy parapet, over which he keeps watch and ward till the first crow of the cock is heard from the neighbouring farm.[1]

In the thirteenth century it is said that the Kerlie of the day, less wary than his ancestor, received Lord Soulis (with a large body of armed retainers) as a guest, who repaid his hospitality by taking possession of his castle, and putting himself, the owner, to the door, adding insult to injury by informing him that he held his fortlet for the king of England.

Driven out upon the wide world a homeless wanderer, the ejected Kerlie joined the ranks of Sir William Wallace, and distinguishing himself as a daring partizan, and by his determined aversion to the English, he soon became the patriot's favourite lieutenant.

From Lord Soulis the possession of Cruggleton passed to Alexander Comyn, Earl of Buchan, who had married Elizabeth, a daughter of Roger de Quincey, Earl of Winchester, by the eldest daughter and co-heiress of Allan, Lord of Galloway; and "to him," says Dugdale, "succeeded John, his son and heir, the said John being then thirty years of age, who thereupon doing his homage had livery of his lands, and in the twentieth of

[1] The plot of Captain Dennistoun's *Tale of Cruggleton Castle* turns upon this legend, with which exception his story is a mere romance, having no foundation whatever in Galloway history or tradition.

Edward the First (1292), obtained license from King Edward to dig in those mines within the dominion of the Isle of Man called the Calf, for lead to cover eight towers in his Castle of Crigleton in Galwey."[1]

Cruggleton soon after was claimed as a royal castle, as we read of Henry de Percy being appointed keeper in 1296; and in 1297 John de Hodleston succeeded Percy in that office.

It was during his command—though he was probably absent, having a large district under him—that Wallace stormed and took the castle. In all the main circumstances of which affair local tradition bears out the account of Blind Harry the minstrel.

Sir William Wallace, knowing that the place was impregnable to any attack made from the landward side by such forces as were at his disposal, cautiously advanced his little army, unknown to the English, and set them in ambush at the nearest point at which they could lie unperceived.

Then, in the twilight, taking with him the rightful owner, and another chosen man, he swam with them to the foot of the rock, clambered up a difficult track well known to Kerlie, and gained admittance to the castle at an unguarded point. They then gave forthwith the preconcerted signal to their comrades, opened the gates before their panic-stricken enemies knew what they were about, and in a few minutes, after a short but desperate struggle, the fortlet was their own; or, in Blind Harry's words—

"Then took he two, when that the night was dym,
Steven out of Ireland, and Kerlie that could clyme
The water under, and clamb the rock so strong;
Thus entered they the Southern men among.
The watch before took no tent to that side;
These three in fear soon to the port they glide,
Good Wallace then strak the Porter himsell
Dead o'er the rock (into the dyke he fell),

[1] Dugdale's *Baronage*.—It is there written, "in his Castles of Crigleton *and* Galway." This is obviously a clerical error; there was no such castle as Galway or Galloway.

Let down the bridge, and blew his horn on hycht.
The bushment brake, and came in all their mycht,
At their own will soon enter'd in that place;
To Englishmen they did full little grace;
Sixty they slew, in that hold was na ma,
But an old Priest and simple women twa."

The most unaccountable part of their proceedings—if, as is traditionally told, this was the identical Kerlie to whom the castle belonged—is that Wallace, instead of restoring the stronghold to his lieutenant—

"Brake down the strength, both bridge and bulwark all,
Out o'er the rock they gart the timber fall."

For as we must not criticise the expressions of the Minstrel too closely as to what was likely to be woodwork, and what stone or earth, the obvious sense and spirit of his words is, that the *patriots destroyed the defences as far as they were able.* Kerlie continued to serve with Wallace, and was killed at the time of his leader's treacherous betrayal in 1305.

In 1309 the monks of Whithorn obtained a charter of Cruggleton from Robert Bruce, as has been said, by falsely representing it to belong to Lord Soulis, whom the king considered a traitor.

In 1366 Sir Gilbert Kennedy of Dunure (the father of Sir James, whose daughter married the first hereditary Sheriff) had a charter of confirmation from David II. of the lands of Cruggleton, of which the original grant was, according to Douglas, "from Sir John Kennedy, his father," indicating that it had come into the possession of the Kennedys at an earlier date.

It is probable that the Black Douglas deprived the Kennedys of their property much about the same time that he destroyed Lochnaw Castle, as the next notice of Cruggleton on record is as the property of Earl Archibald, his son, who granted it to the prior of Whithorn and his successors; and there is a confirmation of this grant by a charter of the Duchess of Turenne in the following year. It must, however, have been again resumed by the Duchess, as, in 1426, *as compensation for Lochnaw,* she bestowed upon William Douglas of Leswalt "the lands of Cruggle-

ton, Baltier, and Cults," which was confirmed by a charter of James I. in March 1427. From William Douglas it again passed to the church. Under the monks of Whithorn as superiors, the Kerlies, or M'Kerlies, are said for many generations to have inhabited the home of their forefathers. Their occupation, however, was not continuous, for the priors often kept house there. In 1563 Malcolm, Commendator of Whithorn, along with Sir Thomas Montgomery and Sir William Taylor (both priests), were tried "for Ministering indecently the Sacraments of Holy Kirk, otherwise from the published order of the realm, at the Place of Cruggleton." And six years later the Regent writes to the Laird of Barnbarroch that Lord Fleming, having convened certain footmen and horsemen, was "already assieging the House of Cruggleton, pertaining to our brother, the Comendator of Quhithorne" (23d April 1569), as has already been related at length.

In 1578 Sir Patrick Agnew, the sixth Sheriff of Galloway, acquired the church lands of Cruggleton; and about the same time Sir Patrick Vaus obtained possession of the castle. Sir Patrick Vaus made over the castle to his son Sir John Vaus, who disponed it to Peter M'Dowall of Machermore, reserving the superiority; and from M'Dowall the castle and its lands were purchased by James Kennedy. The building was still described in Kennedy's charter as a "fortress, tower, and fortalice;" "gardens and orchards" there, are also mentioned; and the old keep, wearing a more smiling aspect, was presided over by Jane, daughter of Sir Andrew Agnew of Lochnaw, the seventh Sheriff.

Here Dame Jane Agnew, or Kennedy, lived in her widowhood; but after her time the castle appears to have fallen to decay, as we have no record of its being again inhabited. She had no children, and her husband having previously mortgaged the property to his father-in-law and his heirs, it came into the possession of the ninth Sheriff about 1642; but he did not acquire the superiority until ten or twelve years afterwards, which *superiority* changed hands more than once, as appears by the Inquests, and has sorely puzzled local historians.

M'Clellan, minister of Kirkcudbright, mentions the castle as in existence in 1640;[1] but in 1684 Symson writes of it as completely ruinous.

The following particulars are from the hand of a lineal descendant of brave Kerlè of the minstrel—

"Cruggleton is about one mile and a half south of Garlieston; the rock on which it stands overhangs the sea to the height of two hundred feet. About the centre of the fosse the situation of the drawbridge is apparent; and within, the remains of a large arch, even now a prominent landmark to vessels navigating the Bay of Wigton and the Solway Firth, are preserved by the present proprietor Sir Andrew Agnew, Bart. Part of the walls also are still to be seen. The following particulars were drawn up on a visit to the locality in 1830—

Width of arch . . .	13 feet.
Height of do. . . .	10 feet.
Thickness of wall of do. . .	3 ft. 7 inches.

The window, a large loophole of the arch, all that exists of the old building, looks towards the Isle of Whithorn and Boroughhead.

Length within the ditch, N.W. to S.E. . .	271 feet.
Do. do. N.E. to S.W. . .	433 feet.
Length of ditch outside	561 feet.
Breadth of ditch, very regular	50 to 51 feet.

From the ditch, within the castle, where the portcullis was erected, the works commence, and are still distinctly traced."[2]

It is thus described by Captain Denniston—

"Cruggleton Castle stands on the highest swell of a continuous range of precipices that extend for some miles along the eastern shore of the county of Wigtown; the ruin still forming a conspicuous landmark from the sea. On approaching it from the country, the traveller cannot help admiring the judicious selection of the ground on which it stood, as, according to the ancient system of warfare and mode of attack, it must have been all but impregnable.

[1] "Crugultoun, munitissimum olim præsidium ad æstuarium Creæ."

[2] *Wallace and His Times.*—Paterson.

"That portion of the precipice on which it stands juts forward into the sea, like one of the bastions of a star fort, having a deep re-entering angle on each of its sides without any curtain. The castle itself, which stood directly in the gorge of the bastion, has had a deep and broad ditch towards the land, and even beyond that a line of fortification which has extended along the whole opposite faces of the re-entrant angles, so that till these were in the possession of the besiegers, the castle could never have been taken in flank, and the assault in front, from the nature of the ground, must have been all but hopeless.

"At the bottom of one of the angles there are still remaining some marks of a path which must have been cut out of the solid rock for the purpose of communicating with the beach beneath. A high battlemented wall swept round the court-yard, and from its whole banquette, the path from the shore to the top of the precipice was seen and commanded; while a gate, fortified (with a guard-house and portcullis), defended the castle from surprise next the sea."[1]

One of the traditions of the place is that a vast amount of treasure has been thrown into a certain "*golden well,*"—but both well and treasure have hitherto eluded the searches of the curious.

A very fine specimen of a massive stone battle-axe was found near Cruggleton Church in 1855, and was exhibited by the author in the Antiquarian Museum at Edinburgh in 1860.

The name has been variously written Craigiltooun, Crogiltoun, Crigeltoun, Crugiltoun, Cruggleton; in the records of the High Court of Justiciary,—Congiltoun; and in the Sibbald Collections it is mentioned, along with "Lochnaw, Corswall, Dunskey and Clari," the other "Castells of chieffe notte"—as "Crowgiltone, seated one a rocke environed withe the sea."

In 1657 Sir Robert Adair's brother William was minister of Ayr; he was son of the former Laird of Kilhilt by his third wife Helen Cathcart of Carlton, and nephew of Alexander Adair, Bishop of Waterford and Lismore. Cromwell pulled down the

[1] Legends of Galloway.

old church of St. John's, converting the site into a storehouse or armoury in connection with a fort; and a new church, now called the "Old Church," was put up under the superintendence of William Adair.

This worthy pastor married Janet Kennedy of the house of Kirkmichael; he commenced life as a soldier, but after becoming a captain he exchanged into (what then truly was) the church militant. This scion of Kilhilt gallantly played his part in these stirring times; he resolutely refused to conform to Episcopacy at the Restoration, but in such respect was he held that he was never formally deprived of his charge, although confined to his parish, and placed under surveillance.[1]

A very handsome monument was erected to his memory, on which is his effigy, and over it the achievement of the Adairs.[2]

Tradition has assailed the fair fame of the worthy man in a very ridiculous manner, it being said that he was once a suitor for the well-known Maggie Osborne, and that because the fair lady refused him, he caused her to be arraigned on a charge of witchcraft, for which she was burnt, he himself having sat upon the trial as a judge.

The only possible foundation for this story is that Adair was minister of Ayr at the time of her execution, at which he may very possibly have been present; but it is on record that the sentence was given by the civil magistrates, and that the charge also was made by a layman.

To the credit of Galloway be it said, that no executions ever took place in the province for the crime of witchcraft—though many weird women are reported to have lived there, and among these none more famous than Maggie Osborne.

She was a daughter of the "*Warlock Laird of Fail*," and had been carefully instructed from childhood in the principles of the black art.

[1] Adair MSS.

[2] The inscription is as follows:—Mr. Gul. Adair. Antiquissimæ Familiæ de Kinghilt frater legitimus. Ecclesiæ Aerensis per annos 44 Pastor fidelissimus, quod caducum habuit hic depositum reliquit, Feb. 12, 1684, æt. 70.

Her home was in Ayrshire, but she frequently made excursions southward, and her track is still pointed out by the peasantry as "*Maggie's gate to Gálloway;*" it being still visible, because there were always so many fiendish attendants in her train that the ground was burnt by their unhallowed tread, and no grass will grow on it to this day.

It is affirmed that, out of bravado, she once partook of the sacrament at the "Moor Kirk of Luce," being unknown to the minister; but the initiated observed that the devil waited at the door in the shape of a toad, and that Maggie, not having swallowed the wafer, spat it out as she left the church, and his Satanic majesty devoured it.

A man in a funeral procession once trod unwittingly upon her, she having taken the form of a beetle to escape observation, and was overwhelmed with his whole family by an avalanche of snow which the enraged witch hurled down from the hills upon his house. For long her powers were insufficient to accomplish this feat, he being a pious and exemplary man; but one evening he forgot to say grace before his supper; the witch then had her own way, and before morning his dwelling-place had become his grave!

The act for which she was "justified" was this:—Having quarrelled with a servant maid in her house at Ayr, she ordered the girl to brew at night. Just as the clock struck twelve, a string of cats rushed into the brewhouse; the largest sprang on the maid's neck, and all but forced her into a tub filled with the boiling wort.

With great presence of mind the girl scooped up a ladleful of the scalding fluid and scattered it over the noisy cats, especially dozing the one which had so nearly caused her death; upon which they made a rapid exit, uttering unearthly noises.

Next morning Maggie remained in bed long after her usual time, and the maid, conceiving some suspicions, had her mistress examined by force, when her back was found covered with blisters. Upon this discovery she was hurried to prison, taken before the magistrates, and *on this evidence* sentenced to be burnt. The ministers of the district visited her in her cell, and she

formed hopes of escaping through their intervention. Assuming an air of penitence, she promised to reveal all she knew, and betray her accomplices, if, before she was fastened to the stake, they would furnish her with two pewter plates that never had been wet. They assented. On the fatal procession being formed, a town-officer was despatched for the plates; but returning with them in haste, his foot slipped and one plate fell into the gutter. Concealing his mishap he carefully wiped it, and delivered them both to the wretched woman, who joyfully snatched the treasures from his hand. In an instant, by her magical arts, the plates fastened on her shoulders, and expanding into wings, promised to free her from her tormentors. A moment more and she would have been safe; when, lo! the plate which had been wet flapped heavily as a bird's broken pinion: her compact with the evil one had been but half fulfilled; and despite all her efforts Maggie rose so slowly, that the officers, hooking her dress with their halberts, dragged her down again to mother earth, and held her in the flames.[1]

This story carries a moral with it; it is easy to divest it of its supernatural additions, and we then see on what sort of evidence any woman, who had an ill name, might be judicially murdered with the full assent of the community.

Robert Baillie, a learned and worthy man, thus writes to a friend about this time:—

"What you inquire of the apparation in Galloway is notourlie known. In Glenluss parish, in John Campbell a webster's house, for two or three yeares a spirit did whiles cast stones, oft fire the house, and cut the webs in the looms, yet never did any considerable harme. The man was a good pious resolut man, and never left his house for all. Sundrie ministers of the Presbyterie did keep fasting and praying in the house without molestation; sometyme it spoke, and the minister, Mr. John Scot, was so wise as to intertain large discourses with it. It were long to write all the passages; this twelvemonth it has been silent. A sturdie beggar who had been a most wicked and avowed atheist, for

[1] See Train's Life.

which he was hanged at Dumfries, did oft lodge in that house; about his death it became more quiet, yet thereafter it became troublesome enough, but for the time is silent.

"There is *much witcherie up and downe our land*, though the English be but too sparing to try it; yet *some* they execute."

The meetings of Parliament had been during the troubles unusually frequent—an expensive matter to the freeholders; and in Galloway the baronage declined to pay their representatives. The Sheriff in consequence brought an action against them for his personal expenses, and gained his suit—the Court ordering the real rental of the county to be ascertained, which was done; and the record is curious, as showing the actual money value of various properties in the days of the Commonwealth.

"The Extent Roll set down at the Tolbooth of Wigtoun upon the twenty-fourth day of June 1657 by warrant, and according to letters of horning raised at the instance of Sir Andrew Agnew of Lochnaw Kny^t^. Sheriff of Galloway, against the Heretors, Lyfrenters and Freeholders of the Sheriffdome Wigtoun for payment to the said Sir Andrew of the sum of Fifteen hundred pounds Scotts money, and of the tenth penny more of expense for his charges and expenses in attending the Scotts Parliament the several sessions, days and diets thereof, according to the Act of Parliament.

"All the Heretors, Lyfrenters and freeholders (except the rents of Noblemen) are lyable for each hundred pounds of rent to pay the sum of three pounds thirteen shillings and fourpence."

Then follow the rentals of the landholders of the county, with the exception of Lords Cassilis, Galloway, and Airds, who as peers were not liable. The names of the Lairds of Barnbarroch, Baldoon, and Meikle Dunraggit, are inserted in the document before us, but by some mistake the figures representing their incomes were not copied in. The Sheriff, as a baron, bore of course his own proportion of the taxation. The amount, as in all other official documents, represents Scots money.

			Rent.		Taxation.
"Sir Patrick Agnew—Lochnaw		1472			
	Sheriff's Lands	1406			
	Seuchane	625	£3629	...	£134 1 9
	Whythills	126			
Laird of Myrtoun	(M'Culloch)		2720	...	99 14 7
Laird of Stair	(Dalrymple)		2500	...	91 13 4
Castle-Stewart	(Stewart)		2026	...	74 5 7
Freuch	(M'Dowall)		1990	...	72 19 5
Logan	(Do.)		1817	...	66 12 6
Mochrum	(Dunbar)		1763	...	64 8 5
Garthland	(M'Dowall)		1300	...	47 13 9
Kilhilt	(Adair)		1240	...	45 9 2
Murreith	(Maxwell)		1214	...	44 10 3
Craichlaw	(Gordon)		1165	...	42 9 10
Craigcaffie	(Neilson)		1089	...	39 18 1
Mr. (Rev.) James Blair			950	...	35 10 0
Ariolland	(Hay)		842 : 10s.	...	30 17 4
Ganoch	(Cathcart)		724	...	26 11 8
Ganoch	(Adair)		110	...	4 0 6
Wigg	(Agnew)		451	...	16 10 9
Ardwell	(M'Culloch)		380	...	13 18 4
Torhouse	(Do.)		358	...	13 2 8
Fisgill	(Stewart)		351	...	12 7 5
Croach	(Agnew)		198	...	7 5 2
Galdenoch	(Agnew)		173	...	6 6 0"

(And about forty more smaller proprietors.[1])

Its accuracy is certified by the Sheriff's signature.

"Which above-written taxation-roll is set down by the said Sir Andrew Agnew upon valued rents above wrytten, for the cause above-speit. In witness whereof the said Sir Andrew Agnew has subscribed thir presents at Wigtoun the 24th day of June 1657."

Among the Sheriff's papers we find a record of the Criminal and Circuit Court which he attended—as in duty bound to do—on the 13th May 1656, on which occasion there was a regular field-day against immorality. No less than thirty-six cases of adultery were found proved against the defendants, who were all fined in various sums, varying from £250 (the highest), which was inflicted on Sir John M'Kie of Balmaghie, down to £12 (the lowest), awarded against John Wilson, at the mill of Penninghame.

[1] Thomas Hay of Park is entered at £100, but this is an obvious mistake; his income, proportionally, must have been very much larger.

Sir Patrick Agnew's son-in-law, Alexander M'Dowall of Logan, met with a tragic fate towards the close of the year 1660. He was guardian of the young heiress of Clanyard (herself a Gordon lassie). The Gordons of Kenmure made a descent upon Clanyard Castle, and were in the act of carrying her off by force, when the Laird of Logan sallied out to the rescue at the head of a large band of retainers. He overtook the ravishers on the sea-shore at Killeser, where a fierce battle ensued. The M'Dowalls recovered possession of the maiden, but lost their own chief in the attempt. So desperate was the fight, that forty of the combatants are said to have been killed outright. The Gordons at last gave way, followed closely by the M'Dowalls; and according to their family tradition, Patrick, the son and successor of the murdered laird, never called a halt till he ran the enemy to ground, and hanged the leader of this daring raid over his own gateway. He then returned to bury his father, after having thus dutifully avenged him.

Below Ardwell House, in a small plantation, thirty or forty small cairns may still be counted, each of which marks a soldier's sepulchre. It is strange that so bloody an engagement, in which the casualties must have amounted to a very considerable number, should not be alluded to in any history of these times.[1]

The baronage of Galloway all concurred in the Restoration, and at the end of the year 1660 met to elect commissioners to represent them in the first Parliament of Charles II., summoned to meet in Edinburgh on New Year's Day in 1661.

Between the moment of the first genuine outburst of joy at the return of their sovereign, and the day fixed by the Sheriff for convening the electors, however, certain sinister rumours had reached them as to the treatment those were to expect who

[1] The M'Dowall story is that Lord Kenmure himself was hung up by the infuriated Patrick. This is not, however, borne out by history, as Robert, fourth Viscount Kenmure, succeeded in 1645, and died in 1663. His kinsman, William Gordon of Penningham, was his heir-presumptive, and died—it is generally said—in 1660, leaving a son, Alexander, who became fifth Viscount Kenmure. It is possible that this William Gordon may have been a leader of the ravishing party, and have been chased home and summarily disposed of as described.

had not shown a persistent opposition to Cromwell to the last. Hence the Sheriff declined to be re-elected, and Uchtred M'Dowall of Freuch, his brother-in-law, a red-hot royalist, as well as Murray of Broughton, represented Wigtownshire on this occasion.

The estates commenced by granting a benevolence to the king, of which the proportion for Wigtownshire was £2455 : 12s. Scots money; and the following were named as Commissioners of Supply, 1661 :—

James, Earl of Galloway.	Sir Andrew Agnew, knight, app^{t} of Lochnaw.
Alexander, Lord Garlies.	Patrick M'Dowall of Logan.
Thomas Dunbar of Mochrum.	Uchtred M'Dowall of Freuch.
Wm. Stewart of Castle-Stewart.	William Gordon of Craichlaw.
Sir James Dalrymple of Stair.	David Dunbar of Baldoon.
Alex. M'Culloch of Ardwell.	John Murray of Broughton.
John M'Culloch of Myrtoun.	George Stewart of Tonderghie.
John Stewart of Egerness.	

It was confidently hoped in the country, that no executions would mar the satisfaction that was so loudly expressed, and the people of Galloway for a moment even deluded themselves with the idea that they were free to worship in what form they chose.

But first the execution of Argyle, then that of Guthrie, this followed by the banishment of their old pastor Livingston, and the deprivation of many others, dispelled such sanguine expectations.

These threatenings too surely presaged the coming storm, and meetings were held in Wigtownshire, in which an earnest appeal to Government was resolved upon: but even the right of petition was now called in question.

"In April (1661) the Synod of Galloway met to petition Parliament in favour of the liberties of worship; but during their proceedings the Earl of Galloway, by royal command, made his appearance, and in the name of the sovereign dissolved the meeting. The moderator, Mr. Park, minister of Stranraer, firmly protested against this encroachment upon the privileges of a judicatory of the church. The other ministers followed his example, declaring that the interference of a civil magistrate with Church Courts regularly constituted was illegal, and although

they deemed it prudent to disperse, they refused to retire until the moderator had prayed, and regularly dissolved the meeting."[1]

The Sheriff resolutely maintained the right of meeting in an orderly manner to assert constitutional rights. He opposed the forcible introduction of Episcopacy, especially as the adherents of that church were in a very small minority.

The king, however, took his decision without any reference to the wishes of his subjects; and in the case of the Wigtownshire meeting he adopted the unusual course of sending a mandate to the Earl of Galloway to stop all assemblies where the conduct of the Government might possibly be discussed; thus ignoring the Sheriff altogether, who was now out of favour.

Within a few weeks of this incident, as a little relief to theological discussion, the baronage were engaged in festivities attendant on the marriage of Sir Patrick's second son William, with his cousin the heiress of Wigg. The contract was signed at Lochnaw in presence of the venerable old grandsire, on the 3d of April 1661, who, whilst he gave the young couple his blessing, was unable, through the increasing infirmities of age, to be present at the marriage. The bridal gathering took place soon afterwards, and a clause in the settlements (dated the 23d of the same month) is remarkable:—

"William M'Kie and John M'Kie, notarys public, subscribed for Elizabeth Agnew, *who could not write.*"

Let us hope she could embroider and make jams!

Sir Patrick Agnew had now arrived at a good old age, being considerably past fourscore. The large muster-roll of his progeny was swelled by the arrival of many great-grandchildren, who occasionally carried on their gambols on the esplanade beneath the castle-walls, which was still protected, in old feudal style, by moat and ditch. His sons and daughters having been all prolific, their progeny were rapidly forming new matrimonial connections, which had so extended his relationships in the county, that his death, which occurred in the autumn of 1611, occasioned quite a general mourning.

[1] Mackenzie's *History of Galloway*.

He died at Lochnaw, surrounded by his family, to whom he had been the best of fathers—having given good landed estates to all his younger sons. Playfair speaks of him as a man of great sagacity in public life,[1] and Chalmers adds, "He acted as Sheriff for thirty-three years, during the turbulent period from 1616 to 1649, when he resigned his heritable offices to his son, and lived till the happier times of 1661."[2]

"*Happier*," as an epithet for 1661, is chosen with singular infelicity; it was the first of eight-and-twenty long years, which were without exception the most disastrous ever known in Galloway. Of the ills that were to follow, the good Sir Patrick was, however, happily ignorant, and he was quietly interred in the old church of Leswalt, where a mural tablet, still in good preservation, on the ruined wall, marks the last resting-place of "Sir Patrick Agnew, Lord of Lochnaw, and of Dame Margaret Kennedy his spouse."[3]

[1] British Family Antiquity. [2] Caledonia.

[3] The following pedigree, giving a double royal descent to the descendants of Dame Margaret Kennedy, is amongst the Lochnaw papers; we give it as a curiosity, but have not attempted to verify it:—

King James II. of Scotland. = Mary of Gueldres.
Robert Lord Boyd, Earl of Arran. = Princess Mary.
David, 1st Earl of Cassilis. = Mary Boyd.
Gilbert, 2d Earl of Cassilis. = Isabel, da. of Archd., 2d Earl of Argyle.
Gilbert, 3d Earl of Cassilis. = Catherine, d. of Thomas Kennedy of Bargany.
Hon. Sir Thomas Kennedy of Colzean. = Elizabeth, d. of David M'Gill of Cranstoun-Riddel.
Sir Patrick Agnew of Lochnaw. = Margaret Kennedy.

King Henry VII. of England. = Princess Elizabeth, daughter of King Edward IV.
Archibald Douglas, 6th Earl of Angus. = Princess Margaret, relict of James IV.
Earl of Lennox. = Margaret Douglas.
Sir Hew Campbell of Loudoun. = Elizabeth Stewart.
Thomas Kennedy of Bargany. = Mary Campbell.
Gilbert, 3d Earl of Cassilis. = Catherine Kennedy.
Hon. Sir Thomas Kennedy of Colzean. = Elizabeth M'Gill.
Sir Patrick Agnew, Sheriff of Galloway. = Margaret Kennedy.

Sir ANDREW AGNEW of Lochnaw, Knight Baronet, Sheriff of Galloway—1661.

CHAPTER XXIV.

THE NINTH HEREDITARY SHERIFF.

> But for a kingdom any oath may be broken;
> I'd break a thousand oaths to reign one year.—SHAKSPEARE.

ON the 29th of October 1661, according to the fashion of the times, a large party of relatives and friends met at Wigtown to serve the Sheriff heir to his father. The persons present were—"James, Earl of Galloway; Hugh Cathcart of Carltoun; John Vaus of Barnbarroch; Uchtred M'Dowall of Freuch; John Dunbar of Machermore; William Maxwell of Muireith; Patrick Agnew of Galdenoch; Alexander Agnew of Croach; Patrick Agnew of Wigg; John Murray of Broughtoun; John Maxwell, apparent of Muireith; George Stewart of Tonderghie; John Houstoun of Drummastoun; Hugh M'Dowall of Dalreagle; John and Alexander Stewart of Fisgill;—Robert M'Culloch of Drummorrell" presiding as Sheriff-depute.[1]

Three months previously the Sheriff had obtained an Act of Parliament confirming his rights and privileges; it ran thus:—

"Our Sovereign Lord and Estates of Parliament, ratifies and approves all and sundrie Sir Andrew Agnew of Lochnaw, Knight Baronnet, Shirreff-principall of Wigtoune, his Chartours, rights and infeftments of his Landis and Baronie of Lochnaw, etc. . . . . with the office of heretable Constabularie and Bailliarie of the samen, together with his heretable Bailliarie of Lesswade, Munbrick, Salsyde and Drummastoun, together wrth sundrie emoluments, priveledges dignities and utheris whatsumever . . . . . according as the same have been granted and confirmed be his Majesties royall predicessors to the said Sir Andrew Agnew and his *Ancestors of ane long descent, and*

[1] Up to this date in every service is included "the Salmon Fishing in the water of Luce."

according as he and they have been in use and possession past all memorie of man."[1]

A letter addressed to the Sheriff by an official mentions certain irregularities of his brother Patrick; who, having collected the rates laid on for the maintenance of the army, appears to have considered (as prize-agents do in our own times), that it was but his fair perquisite that he should retain the money for a certain time.

The letter is polite but peremptory:—

"Edinburgh, 22 Nov. 1661.

"Rycht Honourable,—Being informit by my Lord Staires and Freuch that your Brother Seuchan collected the month's maintenance of October from the whole Shyre (and a verie considerable sum from nine persons of your Shyre), I have ordered William Macguffoch to cause charge your Brother with horning for the said sums so collected by him, and have promised forbearance to the Shyre for the same till it be cleared with your Brother whether he or they shall be my debtor.

"But *I doe expect* payment from your Shyre with all diligence of what is utherwayes resting by you to me; therefore I doe entreat the favour of your calling the Shyre to meet and order the present payment of what Freuch will make appear truly to be resting to you, for as I shall be unwilling to trouble any of your Shyre for the maintenance alledged to be payed, till it be cleared whether your Brother has received it or not, soe I doe assure you, iff the Shyre does not presently meet and take cause for what is utherwayes dew by you, that then and in that case ye may expect all to be done against you which law will allow to me.

"Freuch is to return hither againe Christmas, at which tyme your Brother would come in and bring with him what maintenance he has received.—Which is all at present, but that I continue, sir, your affectionit servant, J. W. BOYD.

"The Ry^{t}. Hon^{ble}. the Shirreff of Galloway."

The Estates, on reassembling in 1662, passed an Act of indem-

[1] Act Par.

nity, which was satisfactory in its preamble; but in drawing it up a sentence was artfully inserted, making certain exceptions, which, strange to say, attracted no attention at the time—and many good men rejoiced.

But no sooner was this Act carried, than, by virtue of the exempting clause, a new Act was introduced, and subserviently passed by the Estates, notwithstanding the protest of a few more enlightened statesmen; which second Act, though well overlaid with phrases of love and benignity, actually did away with the indemnity altogether.

"Forasmuch," it commenced, "as the King's most excellent Majesty, out of his tender respect and love to his people, and from his desire that all animosities and differences among them be buried in oblivion, that his good subjects may now, after so long trouble, enjoy happiness and peace under his Royal Government,—His Majesty being desirous to reclaim, if it were possible, the worst of his subjects to their duty by acts of mercy and grace, has therefore resolved to grant a general act of indemnity, pardon, and oblivion. But, considering that by these rebellious courses many good subjects have been under great suffering, and liable to great loss for their affection and loyalty to his Majesty; therefore, to make reparation and for diverse important considerations of state, His Majesty, with advice and consent of his Estates of Parliament, hath thought fit to burden this pardon and indemnity to some, whose guiltiness hath rendered them obnoxious to the laws, and their lives and fortunes at his Majesty's disposal, with the payment of some small sums." The names of these "some" cover eight large folio pages, written closely in double column; the "guiltiness" of most of whom was utterly unknown to the nation at large. In Galloway their Sheriff headed the list for £6000; his brother, the Laird of Seuchan, stands for £1200; his cousin, the Laird of Wigg, £2000; his kinsman, Croach, £600; and Galdenoch, £1000. Of other neighbours, Neilson of Craigcaffie, £1300; M'Culloch of Ardwell, £1200; and David Dunbar of Baldoon, £4800!

And why this severity? It has been well said—

"The persons contained in the list were, generally speaking, of the best morals and most shining piety in the places where they lived, chargeable with nothing but being Presbyterians and submitting to their conquerors when they could do no better."[1]

Many of those punished were as much puzzled to guess why they should suffer, as they were to find the wherewithal to liquidate the fines.

But little time was allowed them to brood over this injustice, for one-half of the penalties had to be paid during the ensuing winter under pain of treason. The Sheriff's receipt (which apparently has lain unread for 200 years) now lies before us, worded thus :—

"I, Sir William Bruce, Clerk to the Bills and the King's Majesty, appoynted receiver of the fynes imposed by the Estates, etc., ye 9th Sep. 1662—

"Grants me to have received from Sir Andrew Agnew, Sheriff of Galloway, the sum of three thousand pounds, as the just and equal halff of his fyne laid on him by the said Estate, quhereof I grant ye receipt and discharges him yrof, etc."—2d Feb. 1663.

Notwithstanding the pretext that the fines were for the relief of those mulcted by Cromwell, it was notorious that the greater portion found its way into the pockets of such men as Middleton, who thus coolly imitated, with great aggravations, the acts of Cromwell's council, so justly reprobated by Livingston, and of which they themselves had so lustily complained.

In further violation of the agreements solemnly entered into before the Restoration, the King and Estates declared the National Covenant unlawful; rescinded the Act of 1649 which abolished lay patronage; and not only re-introduced Episcopacy, but made it penal to express hostility to Episcopal forms. It was but fair that they should reward their own partizans, and no one can complain of an Act "For the Relief of James Earl of Galloway," which was in redress of a real grievance.

"The Estates of Parliament taking to their consideration a

[1] Wodrow.

supplication presented unto them by James Earl of Galloway, mentioning that he being employed in the engagement of 1648 for his Majesty's relief out of prison and restitution to his Royal Government, was at his return most rigorously used by the pretended authority of some unnatural countrymen, who ruled for the time, and ordained him and other engagers within the Stewartry of Kirkcudbright to put out an exorbitant number of horse and foot in levys of that year far amounting their proportions, and that by way of fine for their loyalty; humbly desiring that the sums of money so exorbitantly enacted might be refunded unto him: They therefore ordain the Commissioners of Excise, within the Steuartry, to give intimation to the Heretors to meet, and that there they lay on the proportions of the Levy thus imposed, that the Petitioner may have repetition of what he has payed and given out more than his just proportion."

This Lord Galloway is thus noticed by the famous John Evelyn in his *Diaries*, dated Wotton, in Surrey, May 19, 1659:—

"Came to dine with me my Lord Galloway and his son, a Scotch Lord and learned; also my brother and his Lady, Lord Berkeley and his Lady, Mrs. Shirley and ye famous singer Mrs. Knight, and other friendes."

Notwithstanding the heartburnings occasioned by civil war, Parliament found time to frame an injunction to all the sheriffs to put in force the old laws as to "*Planting of Woods, Forests, and Orchards.*" This new Act was certainly more practical, if not more effectual, than the grandly-worded statutes commanding woods and parks with deer to spring ready-made into existence. The law of 1661 ordained that all proprietors of a thousand pounds a year should plant four acres of ground at the following Michaelmas, and other heritors of greater or less rent to plant more or fewer acres in proportion; the land to be enclosed and planted with oak, elm, ash, plane, larch, or other timber at three yards' distance. "*At the sight of the sheriffs,*" heritors might "cast about the Highways to their conveniency," if these interfered with suitable sites for woods; and for further encouragement of

all persons "who shall be virtuously enclined to ditch, enclose, and plant their ground," "such portions of their ground as shall be so enclosed and planted to be free of all manner of landstents, taxations, or impositions, or quarterings of horse, for nineteen years next after the date thereof."

We have also to record that a weekly post was first established to Ireland, *via* Portpatrick and Donaghadee, in 1662.

The Sheriff's papers bring to light a case showing how rascals tried to make political capital out of the disorders of the times.

We have already related the case of a thief and housebreaker, John Gordon, tried at the Sheriff's Court in 1651. In the autumn of that year, some indiscreet member undertook to bring his case before Parliament, and to move that the Sheriff-depute might be examined before the House. Gordon's object was simply delay.

The petition was referred to a committee, who made very short work of it, having a counter-petition before them. Their minute was as follows:—

"The Committee of Estates having taken to their consideration the petitions of the Commissioners of the Shire of Wigtown, bearing that John Gordon of Creich did steal ane great number of goods; notwithstanding whereof, the said John in a clandestine way cloaking his theft, did procure a citation against the Sheriff-depute and Commissioner, who are the competent judges in the matter of theft, to appear before Parliament to answer to the said John, in his pretended complaint against them, which he has never prosequit farther, but by the said citation intends to hinder justice: The Committee of Estates therefore, finding the pregnant presumptions of the said John Gordon his guiltiness, do liberate the said persons from the said citations, and ordains him to be remitted to the Judge Ordinar, to be censured according to justice. (Signed) LOUDOUN, *Chancellor.*

"Rothesay, 15th October 1651."

But now, in 1663, this said thief, finding his old judge the

Sheriff among the list of those "whose lives were justly forfeited," determined to turn the tables on his worship, and accordingly raised a lybell before the Commissioners of Bills against "Sir Andrew Agnew, Sheriff of Galloway, and his accomplices"—

Setting forth, "That John Gordon, from the *duty of his loyalty to his* Majesty, having taken arms as a volunteer in 1651, the said Sir Andrew, taking advantage of the said John his absence, *partly out of disloyalty to his Majesty*, and partly out of spleen to the said John, came, without publick order, out of spleen and violence to the said John Gordon's house of Polmallet in March 1651, thrust out the said John's wyfe, children and family, and intromitted with and uplifted his other moveables, and crop upon the ground, and carried away and disponed thereupon to a considerable value; and at a month's end John Gordon having come to his dwelling-house at Polmallet to see upon what account Sir Andrew did intromit with his house and goods, Sir Andrew with his accomplices did take John Gordon, dismounted him of his horse and arms, and took him away to Sir Andrew's House of Cults, and there kept him a prisoner for twenty-four hours.

"In October after Alexander Agnew, brother to the Sheriff, and John Fergussone now of Ravington, accompanied with their servants and complices, under clouds of nyght came to John Gordon's house in Kesture and brake up his doors and took him out of his bed where he was lying, and tied him on a horse and put a man behind him to hold him on, and intromitted with his goods and arms, and took from him five hundred and fifty *merks which he had of case to mount himself in the king's service*, and carried him from his dwelling house to Wigtoun Tolbooth, and threatened him at the thief's-hole till he was necessitated to give bond and caution for his appearance," etc.

The scamp certainly deserves credit for the happy thought that he had been but a martyr to his loyalty. The Sheriff was gravely called upon to reply to these charges—not a very difficult matter. "He has," he says, "to inform the Judges and Court

what manner of man this Pursuer is, how troublesome and how illegal a walker, that the like of him is not in all the Sheriffdome of Galloway for *a thiefe and a robber*. The which the Commissioners for Galloway, and whatsoever other Gentlemen are presently in Town will testify. And to colour all his knaveries he has invested his pursuit under pretext of loyalty to his Majesty, in whose service he was never enrolled nor employed; but on the contrary. Where he was in company, or in any of these services did take horse and arms, shall be qualified by the several Rootmasters and Colonels!

"Under protestation that he denies any violence dooing, Sir Andrew Agnew admitteth that he removed him from the house of Polmallet, and what he did, he did loyally, being infeft (himself) in the lands of Polmallet, and the said Sir Andrew having obtained a decreet of removal against the pursuer.

"Secondly, as for Alexander Agnew and his alledged accomplices they dooing any unwarranted violence;—It is of verity that by an act of the Sheriff's Court at Wigtoun holden the 25 March 1651 whereunto John Gordon was lawfully summoned, he being accused of several points of theft, and the red-hand taken in his house, to wit two barrell of salt herring, three barrells of butter, four hydes etc.—and he not appearing was declared fugitive, as the said act of the Court herewith produced will testify; and therefore John Gordon being come back to the country and news thereof being come to the Sheriff, he, by his letter and warrant addressed to Colonel Alexander Agnew for apprehending the said John Gordon, did authorise his apprehension, and he accordingly did apprehend him and bring him to the Tolbooth of Wigtoun."

This reply was incontrovertible; and the Court decided that the loyal John Gordon must submit to the loss alike of his liberty and his red herrings!

The Sheriff—who was now a grandfather—having paid his fine, retired for a while from public life, and occupied himself in embellishing and enlarging the Castle of Lochnaw. He fortunately left the old tower untouched, though he rebuilt

much of the remaining portions; and levelling the moat and ditch, he formed a garden on their site. His name still stands over the dormer-windows, and in the doorway, where two shields bear the arms of Agnew and of Stewart, with a legend underneath adopted from an old translation of the Bible:—

"Except the Lord builde the House, They Labour in vaine that builde."

The new apartments were small enough according to modern ideas; but in their day were considered grand; Symson, writing twenty years later, describes Lochnaw Castle as "*a very good house.*"[1]

The Sheriff further occupied his retirement by compiling a description of the Sheriffdom, a manuscript copy of which has been fortunately preserved among Sibbald's *Collections*, and is now in the Advocates' Library. It was discovered by Chalmers, who frequently quotes it in *Caledonia*, as the earliest official account of Galloway in existence.[2]

It has been published, with interpolations of Sir Robert Sibbald's, which destroy its originality; we now therefore reproduce it, carefully collated with the original manuscript, in compiling which the Sheriff was assisted by David Dunbar of Baldoon.[3]

DESCRIPTION OF THE SHERIFFDOM OF WIGTOWN.

"The Sheriffdom of Wigtown has upon the east and south ye Stewartrie of Kirkcudbright, and is devided therefra by a ferry of four miles of breadth called ye water of Cree, being of

[1] The Sheriff adopted a peculiar cipher S. A. G.; whatever may have been his objection to the repetition of the A, these initials were not accidentally used in the Castle. Several of his books are so stamped; and even on some articles of jewellery belonging to Lady Agnes which have been preserved, is engraved the same cipher S. A. G. and D. A. S. (Dame Agnes Stewart).

[2] Chalmers attributes it to the tenth Sheriff, mistaking the generation.

[3] In 1664, created a baronet as Sir David Dunbar of Baldoon.

that breadth twelve miles up, and from that ferry northward up the said water of Cree.

"The Baillirie of Carrick within ye Sheriffdom of Air bounds ye said Sheriffdom of Wigtown on ye north, and bounds upon the south by ye sea quhilk is betwixt Scotland and the Isle of Man.

"The length of this Shire is from the Mule of Galloway to ye water of Cree thirty miles, and fra the Isle of Quhithorn to the Rounetree thirty miles, being the breadth of the same.

"The principal Rivers within this Shire are, first, ye River of Cree, quhilk borders or divides ye Shire from ye Stewartry and hath its source from Carrick, quhilk river abounds with salmons and spurlings,[1] and falls in the sea at ye sands of Wigtown.

"The next River is Blaidzenoch, flowing from Loch-Maberie and mountanous parts of Penninghame, abounding with salmon, and goes ye length of twenty miles ere it fall in ye sea at ye sands of Wigtown.

"Into which River runs ye Water of Tarff, flowing from Airtfield in the Moors of Luce, and falls in ye River Cree under Craichlie.

"The water of Malzie flowing from ye Loch of Mochrome runs by Creloch,[2] and falls in ye said River at Dalrygle.

"The Water of Luce flowing from ye Carrick March, goes twelve miles ere it fall in ye sea at ye sands of Luce.

"In this water there runs in ye Croce Water flowing from Airtfield, and runs six miles ere it fall in Luce at ye Moorkirk.[3]

"The water of Solburn, flowing fra Loch Connall, runs four miles ere it fall in Loch-ryane.

"Poltantoun, flowing from Auchnatroch, runs eight miles ere it fall in the sea at Luce.

"Abbacies are Glenluce and Salside.

[1] Smelt.

[2] The lands of Creloch or Crailoch were sold (by way of wadsett) to Sir Patrick Agnew, eighth Sheriff, by John Hannay of Sorbie, 29th June 1625; and finally sold and disposed of, and sasine given to the said Sir Patrick, by Andrew Hannay, younger of Sorbie, 14th July 1626.

[3] Old name for the Church of New Luce.

"Priories—Quhithorn.

"In it there are two Presbyteries, Wigtown and Stranraar.

"In Wigtown Presbytery there are nine kirks, viz., Wigtown, Monygoof, Penninghame, Kirkowane, Mochrome, Glassertoun, Quhithorn, Sorbie, Kirkineir.

"In Stranraar there are nine kirks, viz., Stranraar, Staniekirk, Kirkrovenant,[1] Glenluce, Inch, Leswead, Kirkcoume,[2] Port-Montgomerie, and the Moor-kirk of Luce.

"Names of the Salt-water Lochs that run in the land are Lochryan and Luce, quhilk environs the Presbytery of Stranraar so near that it makes a peninsula, seeing the two lochs the one upon the south and the other upon the north are only three or four miles distant.

"Loch Ryan runs in the land ten miles from the North Sea, and stoppeth betwixt Innermessan and Stranraar.

"Luce Loch runs fra the Mule of Galloway to ye Craigs of Craignargatt sixteen miles, where it ceaseth upon the Mochrome shore, in ye mouth whereof there lie three rocks called Bigiscarrs.

"Fresh water Lochs in Stranraar Presbytery are the Loch of Dalskilpin, being half a mile of breadth and a mile of length.

"The Lochs of Incherynnell and Inche, wherein stands a Tower called Castle-Kennedy, belonging to ye Earl of Cassils, with sundry other lochs, with the Loch of Saltside whereupon the old Abbacy stands.

"Lochnaw Loch belonging to the Sheriff of Wigtown, wherein ye Kings of old had an House, beside quhilk stands the House of Lochnaw.

"Principal Houses in this Shire are Drummoir, Logan, Ardwell, Killessar, Balgreggan, Clonzeart, Garffland, Dunskey, Lochnaw, Corswall, Galdenoche, Chappel, Castle-Kennedy, Innermessan, Craigcaffie, Park, Synenes, and Carscreoche.

"Salt water Lochs within the Presbytery of Wigtown are the Loch of Wigtown, four miles broad and eight in length, on quhilk Loch there is a bank of shells that furnishes ye countrey with Lime and never diminishes, the samin being burnt with peats.

[1] Kirkmaiden. [2] Kirkcolm.

"Fresh water Lochs in that Presbytery are Applebee, one mile of breadth and half a mile of length; Ravenstoun of ye like quantity; the Quhite Loch of Mairtoun quhilk never freeses, whereon the Laird of Mairtoun's House stands.

"In the Loch of Mochrome there are bred a number of Herons and wild geese with other Fowls, quhereon stands ye Laird of Mochrome's House.

"The Lochs of Ochiltrie, Lochmaberie and Loch Connall.

"The Castles of Iyll,[1] Glassertoun, Fisgill, Wig, Ravenstoun, Crugiltoun, Barnbaro, Brughton, Baldoon, Torhouse, Grange, Craiglaw, Mochrome, Castle-Stewart and Cleray.

"Burghs-Royal in this Shire are Wigtoune being ye Head-Burgh of the Shire, having a good harbour, beside quhilk stands ye ancient Monument of King Galdus,[2] from whence ye Shire has its name called Gallovidia. The other Burgh is Quhithorn quherein the Priorie stands.

"Burghs of Barony, Stranraar and Innermessan.

"Harbours, Loch-Ryan, Port-Montgomerie, the Isle of Quhithorn and Wigtown."

A lease of this date gives an idea of the comparative value of land then and now.

"19*th May* 1664.—It is finally agreeit betwixt Sir Andrew Agnew of Lochnaw Knight Baronet etc. and Finlay Blair, that is to say, Sir A. A. sets to Finlay Blair the lands Auchneel for five years, for the sum of fourscore pounds Scots money yearly; together with the number of ten bolls of meal yearly between Yule and Candlemass; together with ane wedder and ane lamb, half a dozen of capons and two dozen of chickens yearly."

The silver rent was equivalent to £6 : 13 : 4 sterling, and the rent in kind may be valued at a little above £20, making roughly £27; the present rent of the same lands is £268.

In 1665 a summons went forth to the various shires, desiring

[1] Iyll is the Isle of Whithorn Castle.

[2] *The Monument of King Galdus* (according to the Sheriff) is on the Farm of Torhouskie, three miles from Wigtown, now generally called "*The Standing Stones of Torhouse.*" It is generally thought to be a Druidical circle.

them to elect representatives to a Convention of Estates, and the Sheriff was thereupon persuaded to emerge from his retirement and take his accustomed part in public affairs.

The technical difference between a Convention of Estates and a Parliament was, that at the former the Estates were simply called upon as a body to decide on such matters as were specially brought before them by the Government; whereas, at a Parliament, it was competent to every member of the Estates, subject to certain rules, to propose any subject for discussion.

Sir David Dunbar of Baldoon was returned as the Sheriff's colleague, a man particularly obnoxious to the viceroy, whose name appeared prominently on the list of exceptions to the indemnity, with the fine attached of four thousand eight hundred pounds. The result of this election did not argue much confidence in the Government as far as Galloway was concerned.

The Convention assembled at Edinburgh the 2d of August 1665; during its sittings the representatives for Galloway endeavoured to get Wigtown and the western shires valued at a lower rate than the eastern; and they were so far successful that it was enacted that—

"Anent the high rate of their retours . . . the pound lands of the whole temporal lands within the said Shires shall be taxed and pay as if they were merk lands."

This was a relief to the extent of about one-third, the exact proportion being as thirteen and one-third is to twenty.

Meanwhile Government were bent on coercing Scotchmen into Episcopacy; and the first visible effect of their efforts was the rising in the Pentland Hills. Among those concerned in this unfortunate affair was the Sheriff's son-in-law, the young Laird of Monreith. Increased severity was now the order of the day, and Sir James Turnour and Sir William Bannatyne harried "the ancient province" with their dragoons during the remainder of the year.

In this stormy aspect of affairs an election again took place for a Convention of Estates summoned to meet at Edinburgh on the 9th January 1667. The Sheriff and William Maxwell

of Monreith were elected for Wigtownshire, and were present in their places when the rolls of the Convention were called on the appointed day.

The Sheriff and the Laird of Monreith were soon set free from their Parliamentary duties, and returned to the shire. Both had mutual cause for uneasiness in the unhappy condition of John Maxwell, now a fugitive from the vengeance of the law.

This young man (who in Colonel Wallace's interesting narrative is spoken of as "excellent Monrieff, a laird in Galloway"),[1] when all was lost at Rullion Green, had, according to family tradition, turned his horse's head for home, and rode that same horse back to the old Tower of Moure, then the mansion-house of the Monreith estate. It is easy to conceive the confusion his return must have occasioned—unapropos, if not unwelcome. His father's name had figured in war committees during the Commonwealth, and in other ways he had proved his assent at least to that form of government. Now, however, he had become loyal to the reigning house, and had really nothing whatever to do with his son's accession to this little rebellion; therefore hardly had the wanderer reached the shelter of the parental roof, than it was necessary to pass him on with the greatest haste and precaution. The poor father, obliged to part with his son, is said to have made a large enclosure, into which he turned the horse his son had ridden, saying, it had done duty enough, and should never carry saddle again. This famous charger, named Pentland in remembrance of that great day's work, is further said to have lived to a good old age, and to have left many descendants considered very superior horses in their time. The master of the steed had no such prospects of ease before him; he was outlawed, and with a price set upon his head, he led a miserable life, and had many a hairbreadth escape.

On one occasion he was closely pursued by some soldiers in Edinburgh, and running down a narrow close took refuge in a "change-house," where he begged the landlady to hide him. The only place of concealment available was a large new meal-chest,

[1] Edited by Dr. M'Crie, 1825.

fastened with a padlock, in which he had hardly ensconced himself and heard the key make all secure, when the house was filled and surrounded by his pursuers, who loudly exclaimed that they were certain he was there. "Seek the hoos an ye will," replied the gudewife; "it's no sae muckle as 'll keep ye lang."

The soldiers did so and without success, and next demanded liquor; on sitting down to discuss which, seats being scarce, one of them jumped upon the meal store; and all began expressing their wonder at where the d—d Whig could have got to, when the man on the barrel suddenly exclaimed, "They hide ony gate, may be he's in this vera kist; gudewife, gie's the key till we see!"

The remark was anything but pleasant to John Maxwell, who overheard all; but the matron's nerves fortunately did not fail her. With great address, and without a moment's delay, she flung open the room door, and, curling her lip in scorn, she roared over the landing, "Lassie, rin awa' tae the gudeman for the key o' the girnal, till we see gin a Whig can lie in meal and no gie a hoast[1] wi't."

The ruse succeeded; the soldiers laughed, and asking no more about him, went off without waiting for the return of the landlord; and John Maxwell, who had successfully struggled againt any tickling sensations in his throat, came safely out, and made his escape to Ireland.

The kirk-session records of Glasserton contain this notice of the young laird:—"John Maxwell, brother to the deceased Sir William Maxwell of Monreith, was forfeit in his estate for going to Pentland and not joining with prelacy; he was necessitated to hide himself many a night and day, and to turn his back upon all that he had, and to flee to Ireland for the preservation of his life from bloody persecutors, and died there."

Turner and Bannatyne now reported that Galloway was quiet. It was somewhat analogous to the famous telegram, "*Order reigns at Warsaw.*" The fines had been collected, the people had learned to submit to being plundered, and in fact little more remained worth the taking.

[1] Cough.

The difference between the king's language before and after the Restoration (by which many who had eagerly hailed his return had their affections entirely estranged from himself and his house), and various impolitic courses, all greatly aggravated by direct military oppression, raised the national discontent to such a pitch that Charles, careless as he naturally was, became seriously alarmed. The dragooning had produced an unnatural calm, but it had also effectually hushed the echo of those expressions of loyalty that had been heard on all sides but five years before.

The election at Wigtown of the Laird of Baldoon as a colleague to the Sheriff—the two men being specially known to have incurred the viceroy's dislike—was ominous. The king, who knew something from experience of the obstinacy of Scotchmen, was anxious to do something; and thinking to make a scapegoat of Archbishop Sharp, whom he supposed to be peculiarly obnoxious to the people, he summarily removed him from the Council.

This body, consisting now of Lauderdale, Tweeddale, and Sir James Murray, striving for popularity, ordered the withdrawal of the army from Galloway. This first measure of conciliation was warmly opposed by the Archbishop of Glasgow, who closed his protest against it with the very significant remark, "My Lords, if the army is disbanded, the gospel will go clean out of the diocese!"

The Sheriff, now freed from military thraldom, collected evidence of some of the grosser outrages of the late commanders in Galloway, and forwarded them to the Council, who summoned Turner and Bannatyne before them to answer to these charges. The atrocities of which these officers had been guilty must have been unusually great, for though their judges were the very Council whose humble tools they had been, yet such were the excesses and extortions *proved* against them, that Turner, after having been heard in his own defence, was dismissed from his Majesty's service; and Bannatyne, besides dismissal, was banished from the country, and compelled to disgorge no less a sum than 3600 pounds Scots money (£300 sterling).[1]

[1] Turner's trial before the Scotch Privy Council was concluded 17th February

For a year after this, matters went on more smoothly in Galloway; government being no longer carried on by drumhead courts-martial. All persons were, however, required to sign what was termed a "bond of peace." This was a submission to the civil magistrate, and was rather ambiguously worded; but the Sheriff was the principal civil magistrate within the shire, and as Sir David Dunbar of Baldoon and himself were the two commissioners named by royal warrant for receiving these submissions (both gentlemen fortunately having the full confidence of the Presbyterians), no difficulty was experienced in having the order complied with.

The Earl of Galloway had by his Countess, Nicholas, daughter of Sir Robert Grierson of Lagg, three sons—Alexander Lord Garlies (his heir), and Robert and William, who had both taken their places at this time in the county baronage, the elder as Laird of Ravenston, the younger as Laird of Castle-Stewart. William was also, some years afterwards, the colleague of the Sheriff's son in the representation of the county. His Lordship had also a daughter, Grizzell, married to Viscount Kenmure.

A note of his to the Sheriff shows his residence to have been still at Clary Castle (enclosed was a letter from Viscount Kenmure):—

"Clari, Oct. 17, 1666.—Much honoured brother,—Ye will percaue by this other, of the Lord Kenmor's desires to you, and the tyme he hes appointed for meeting, if yor other conveniences wold allow, ye may keep the meeting; and if ye can not, send back yor returne with the bearer, whilk shall be immediately dispatched to him.

"Let me know by a lyne from you lykways, what ye resolve to doe, and if ye come to thire parts I shall take yor luging for

1668. The proceedings were sent to the king and approved of. On the 1st of March he was brought before the Council, and formally gave up his commissions. He disappeared from public life, and is said to have lived privately in Glasgow for twelve years; but in 1680 he was sent with a troop of dragoons to the shires of Lanark and Dumbarton, and received a commission granting him justiciary powers.

you.[1] This is all at present from your verie affectionat Brother to serve you, GALLOWAY."

"There is a Gentleman Robert Fergussone, Uncle to the Laird of Craigdarroch, who is going to Ireland; who informed me that John Gordon who leivies now at the port,[2] took a hors of his, the tyme that the English spok of forays, worth ten pieces. He has deseired me that I wold wryt to you that ye wold show him all the lafull favour ye may, or at least he deseires that he may be made sensible of his unservilities.[3] I know I need not use anie words with you on this, for yor respect to Craigdarroch will plead sufficiently.

"For my much Honored Brother,

"The Shereif of Galloway."

In 1667 a marriage took place between Mr. John Blair and the Sheriff's niece, daughter of the Laird of Sheuchan. Mr. Blair (son of the minister of Portpatrick, a much respected gentleman, said to have been a cadet of the family of Blair of Blair in Ayrshire) had, when young, acted as agent for the Sheriff and his father, afterwards for Viscount Airds. The Viscount getting into difficulties was obliged to borrow largely from his agent, who eventually, foreclosing a mortgage, became possessed of the whole of the Montgomery property in Galloway. The marriage-contract between "Patrick Agnew, Laird of Sheuchan, taking burden on him for his daughter Jean," and John Blair, was signed at Stranrawer the 19th of October 1667. Witnesses, "Sir Andrew Agnew, Sheriff of Galloway"; Hew Cathcart of Carlton; George Stewart of Tonderghie; William Stewart of Eggerness; Patrick Agnew of Wig; James and Hew Blair, brothers-germain of John Blair; Andrew Agnew, younger of Sheuchan, and Patrick Kennedy, Provost of Stranraer. The tocher was 5000 merks."[4]

[1] In modern phrase, "shall put you up."

[2] Is custom-house officer at Portpatrick. [3] That he is not liable.

[4] In 1672, there is an act of "Ratification to John Blair of Dunskey and Jean Agnew his spouse, of the lands of Killantringan and Portespittal."

In 1668, William, second son of William Maxwell of Monreith, married the Sheriff's niece, Joanna, daughter of the late and sister of the present Laird of Logan.

At a meeting of the Synod of Galloway, held 28th April 1669, the bishop and Synod recommended the several Presbyteries to take the most expedient course "for collecting and ingathering a voluntary contribution for building a stone bridge over the water of Luce."[1]

In the autumn of 1669 there was a general election, and Sir Andrew Agnew of Lochnaw, and William Maxwell of Monreith, were chosen to represent the barons. This, the second Parliament of Charles II., assembled in Edinburgh on the 19th of October; both the members for Wigtownshire were present when the rolls were called.

In the course of their first session, Glenluce was constituted a market-town, by an Act of 3d December 1669, "In favor of Sir James Dalrymple of Stair."

The preamble recites that "Wigtown and Stranraer stand eighteen miles apart,[2] there being no town or mercat-place between the two, to the great prejudice of the country; and seeing the kirk of Glenluce stands in the middle of the shire, and is a necessary pass by which not only all who go from one place of the shire to another, but all that go from Ireland to England must travel: Therefore the king, by advice of the Estates, grants to Sir James Dalrymple, his heirs and successors, a weekly mercat upon Saturdays, with two free fairs yearly, the one upon the last Tuesday in May, the other upon the first Tuesday in August, to be kept at the kirk of Glenluce upon the lands of Balcail, for buying and selling of cattle, horse, wool, cloth, and all sorts of commodities, with power to Sir James Dalrymple, or such as he shall appoint, to uplift the tolls and customs belonging to the same."

Sir James Dalrymple had now become a Lord of Session as Lord Stair. On the 12th of August 1669 his eldest daughter,

[1] Register of Synod of Galloway. The following year the minute was renewed.

[2] Twenty-nine English miles.

Janet, married at Carscreugh David Dunbar, younger of Baldoon.

After the bridal festivities the happy couple rode in grand procession to Baldoon, where they arrived escorted, as an eye-witness tells us, by "a troop of gallants." He describes the whole affair as

"A pleasant, harmless, joyfull comedy,"

Where all was happiness, during "that little time that she enjoyed." The poet was a near neighbour and a friend of the bridegroom, and he feelingly continues—

"We did all rejoice
E'en for her sake, but presently our voice
Was turned to mourning.
A virtuous lady, not long since a bride,
Was to a hopeful plant by marriage ty'd,
And brought home hither.
But now, sad change, I'm sure they all are clad
In deepest sable, and their faces sad.
The sun's o'erclouded and the vine's away,
The elm is drooping, and the wreaths of bay
Are changed to cypress—and the comedie,
Is metamorphos'd 'to a tragedie."[1]

On the 30th of September a troop of gallants again assembled at Baldoon, but not "*in gay attire;*" this was a sad concourse called to follow the corpse of the gentle lady to her early grave.

The untimely death of the young wife at such an interesting period made a deep impression in the country, and strange stories began to circulate, receiving in another generation the usual embellishment of such traditions.

The genuine local *gossip* (for it was nothing more) started the suspicion that soon after their happy arrival at the parental home, the bridegroom had, in a fit of temporary insanity, mortally wounded his unresisting bride. But the well-deserved popularity of Dunbar discrediting such a surmise, the story was presently revived in a form directly contradictory of the first reports, and according to this second edition it was the *wife* (not the husband) who was the aggressor, influenced by the malady under which

[1] Symson's *Elegies.*

she sank. Train communicated this latter version to Sir Walter Scott; and the ideas germinating in his fertile brain emanated in the shape of the beautiful story "The Bride of Lammermoor."

It might seem a wanton act to tear away the exquisite veil of fiction woven so skilfully over a Galloway tale, had the author not himself advertised his own composition as "*an over true tale*," thus challenging every chronicler of Galloway social history to admit its *facts*.

And so wide has been the circulation of the Bride of Lammermoor, and so completely has the novelist contrived to localise the creation of his fancy, that few of his admirers will be inclined to believe us when we assure them, that the true tradition is, that the *bridegroom stabbed the bride;* and further, that the tragedy occurred at Baldoon many days after the marriage, neither on the wedding night, nor at the bride's father's residence. Moreover, the first Lady Stair was not "notoriously harsh and hard," but was an excellent, witty, and accomplished woman: (although she was doubtless that which Sir Walter much disliked, a most decided Presbyterian). Young Ravenswood also is quite unknown to Galloway tradition, which indignantly disowns "Bucklaw" as a prototype of Dunbar, who was a brave and fascinating youth whom, lastly, the fair maid *married of her own free will*, and clung to with devoted affection. To an eye-witness the sight of the loving pair enjoying their honeymoon suggested the comparison of a tender vine adorning with its graceful foliage the noble forest tree which she was supported.

> "Just at the equinox she was cut down,
> In th' harvest, and this day (30th Sept.) she's to be sown,
> Where we must leave her till the resurrection;
> 'Tis then the saints enjoy their full perfection."[1]

[1] "The Rev. Andrew Symson, minister of the parish where Baldoon is situated, in his elegy, affords no room for the tradition in question . . . and we regard him as the only competent authority that can be adduced. Violence is never alluded to by Symson. The story, in time, originated in superstitious ignorance, or in the rancour of personal or political enmity, and has since been

Sir Walter Scott did not altogether originate the ill-natured story which this testimony from an Episcopalian curate, had he read it, might have tempted him to disbelieve; but having adopted it, his skilful handling has thrown the halo of romance over a mere fiction which party spirit made the means of a wanton attack on the rising house of Stair.

Previous to this, John, sixth Earl of Cassilis, died, in 1668. He had declined to accept the official interpretation put on the oath of allegiance, avowedly taking it in the natural sense of loyalty and submission to law without giving up the private rights of conscience; but the king, who had friendly recollections of their intercourse in Holland, granted him, notwithstanding the opposition of the viceroy, full liberty to worship as he pleased.

He was succeeded by his son John, who inherited with his earldom his father's Presbyterian principles.

In 1669 liberal councils seemed for a moment in the ascendant. The king ordered the restoration of such ministers as were reputed well conducted, and under this order the good Mr. Park was, to the great satisfaction of the neighbourhood, reappointed to Stranraer.

But at one blow, unexpected as it was severe, all the ameliorations of the last three years were dashed aside. In the second session of the second Parliament of Charles, which assembled in July 1670, "the Black Act" (as the Conventicle Act was appropriately called) was passed, in spite of the earnest protestations of [illegible] members of the Estates. The majority of the Parliament [illegible]utely subservient to the Court; and the king, [illegible]ing in a fool's paradise, gave the royal consent to a measure which proved a death-blow to any loyalty to his house which might have yet lingered among his Galloway subjects.

perpetuated by Episcopal and Jacobite writers."—Murray's *Literary History of Galloway*.

Sir Walter Scott somewhat disengenuously denies his intention of portraying the first Lord Stair under the name of the *parvenu* Sir William Ashton, but clearly points at the Stairs acquiring Castle-Kennedy from the Cassilises; making Sir William supply the place of the old family portraits by pictures of the Prince of Orange, and Lord Stair by name.

The Conventicle Act declared that field-preaching was punishable by death, whilst those attending conventicles were rendered liable to heavy penalties.

The Sheriffs were specially urged to carry out this statute, and to try at their courts all those who contravened it. The most tyrannical action of this measure in practice was, that those who did not come forward and volunteer information were held to be almost as guilty as those who had attended; neighbour was commanded to inform against neighbour, parent against child, child against parent; and on a mere charge of not having given information, any one was liable to be dragged off to prison.

Large rewards were offered to informers, and thus the vilest miscreants were encouraged to fatten upon the tender conscience or filial affection of their victims. Under such a system perjury was more often paid for than detected; and of a piece with the tone of such legislation, "for the *encouragement* of sheriffs," it was provided that the greater part of the fines imposed by themselves and by the baillies of regality, should find its way into their own pockets.

Indulgent sheriffs were on the contrary threatened with the king's severe displeasure.

As was to be anticipated, the lieges of Galloway at once offered a passive resistance to the odious Conventicle Act, and it required little penetration to foresee, as its further result, a general rising and rebellion; although the shrewdest observers could hardly have foreseen, that from this unequal struggle the poor despised Presbyterians would, after years [illegible] out victorious!

The Sheriff's latter years were thus darkened by the stormy aspect of the political horizon. He had now reached the age of threescore years and ten, having led a life of great activity in more than usually stormy times; he had six times been elected member for the county; he had attended several of the most important Assemblies as a lay elder representing Galloway; was a prominent member of all the war committees previous to the Commonwealth; he had been a member of the commission for

conducting the war in Ireland; a justice-delegate; a commander of horse and foot; and, besides holding many other posts of great responsibility, he was one of the commissioners for governing the kingdom during the interregnum following the execution of King Charles.

As a politician he was liberal and *enlightened*, for it must be remembered that he boldly advocated principles of civil and religious liberty long before the influence of those who professed them was in the ascendant; and in his later years it is pleasing to find that he always remained true to his conscientious convictions, notwithstanding the fear of penalties and the displeasure of the Court.

Courtiers taunted him with having held a place under Cromwell. But when the Commonwealth was firmly established, he certainly appears to us to have exercised a sound judgment in continuing to discharge the duties of his office, which, be it remembered, he had hitherto held by hereditary right. He did so at the Protector's request, whose favour he had in no way courted; all his neighbours, moreover, approved of his having done so. As a Sheriff, his efficiency is well attested by the fact that Cromwell, no mean judge of men, added the Stewartry of Kirkcudbright to his jurisdiction; and his fairness, and the courtesy of his bearing, may be inferred from there having been no charges made against his administration of justice, by any of the Royalist gentry, at a time when such complaints against others in his position were numerous, and when they were sure to be eagerly entertained.

An accomplished author has paid this tribute to the good Sheriff's character:—

"Sir Andrew, who was knighted in his father's lifetime, took an active share in the cause of the Covenant, then identified with that of civil and religious liberty.

"This worthy ancestor of the Agnew family has not escaped the reproach which High Tory historians have usually bestowed on the memory of those who so distinguished themselves. After mentioning that Sir Andrew Agnew obtained from Charles

II., in 1661, a confirmation of his lands and offices which he held till his death in 1671, Chalmers has added, 'Here is the example of a man who could equally live and prosper during the conflicts of civil war, or during the easy quiet of peaceful days;' as Chalmers terms those halcyon times when whole districts of the country were placed under martial law.

"Sir Andrew, as we have seen, tasted the blessedness of those days, in the shape of a fine of six thousand pounds; and if he did contrive, notwithstanding, to live and prosper, it was not as many of the minions of Charles did, at the expense of principle and conscience.

"It is pleasing indeed to remark, that while many of the families implicated in the sanguinary persecution of that period have perished from the earth, those who were distinguished for their fidelity still continue to live and prosper."[1]

Among the Sheriff's papers is his will, written entirely in his own hand.

"Att Lochnaw the 15 Februar 1668 years, I Sir Andrew Agnew of Lochnaw Knyht Barronett, being, praised be God, in health and perfect memorie, declares my Will and Testament to be as after follows.

"Having seriously considered the condition of my estait and of the many trubills cumin laitly upon me unexpected, quhairof my eldest sonne must beare ye burden as air to me:

"Therefore and in consideration quhairof, and that my other children are sufficiently portioned with ane greater portion than otherways I would, yf I had known thir troublesome burdens were to come upon me:

"Upon this and other considerations I leave my eldest sonne Andrew Agnew full Executor, and Intromettor; with all and quhatsumever bonds, contracts, moveable goods, nolt,[2] ship,[3] and insicht plenishing[4] both within the house and without, with all bygone rent that is upon the Tenants; with all the victuall that is in the Garnall[5] of Lochnaw received by James M'Kie, and in

[1] M'Crie. [2] Black Cattle.
[3] Sheep. [4] Farm implements. [5] Granary.

ane note in my Count-Buke. And in respect there are several bonds owing me, and that I am owing several bonds to others, I do refer them to the bonds themselves and discharges—both to me, and by me—discharged. As to the victual it is in an Count-buke and so is the plenishing of nolt and ship particularly noted."

(Here follow some provisions respecting Olbreck and Polmallet, and the reversion of the property failing heirs-male, which he settled on his second son William; also a few smaller bequests, of which one only is inserted as a specimen.)

"To Margaret M'Douall[1] my niece I do leave her 300 merks, to help her to ane fortune if she prove a honest woman which I pray the Lord she may.

"This is all I have resolved for the present; and to signify my will that no others may trouble my said sonne further in reason to what was or is myne at my death; beseeching the Lord to bless you, and keep you stable in the truth, and never to lay my sins nor the sins of our predecessors to your charge.

"Dated the foresaid day and place; this is my will, and subscribed and written in my hand. AN. AGNEW."

[1] She was his grand-niece, daughter of his nephew Patrick M'Dowall of Logan.

CHAPTER XXV.

THE TENTH HEREDITARY SHERIFF.

They gloom, they glowr, they look sae big,
At ilka stroke they'll fell a Whig.

THE tenth Sheriff was now infefted in his father's estates and jurisdictions on the 2d October 1671, the undermentioned gentlemen assisting at the service :—

"George Stewart (acting as Sheriff-depute); Alexander, Earl of Galloway; Sir David Dunbar of Baldoon; William Stewart of Castle-Stewart; John Vaus of Barnbarroch; Hew Cathcart of Carlton; Thomas Dunbar of Mochrum; William Gordoun of Craichlaw; William Maxwell of Monreith; Gilbert Neilson of Craigcaffie; Patrick Agnew of Seuchane; Patrick M'Dowall of Logan; Alexander M'Culloch of Drummorell, Commissary of Wigtown; John Blair of Dunskey; David Dunbar, younger of Baldoon; and John Fergussone of Dowaltoun."

And in taking possession of the lands and offices now devolving upon himself, the Sheriff succeeded to a full measure of the ill-will of the viceroy, which had been borne by his father, and which was lavishly dealt out to all who were suspected of holding liberal principles, or even ventured to avow sympathy with their Presbyterian brethren.

During his father's lifetime, the Sheriff, with his family, had lived, according to precedent, in the castle of Innermessan. There is a droll traditionary story about this old keep, to which no exact date is ever ascribed, but which may, with great probability, belong to the period between the tenth Sheriff's succession and the marriage of his eldest son.

On some such occasion the castle was tenanted by a *clerk*—whether a sheriff's clerk or a holy clerk, tradition does not say, but is strong on the fact that this clerk's daughter was a beauty.

Great was the fame of this fair maid; and such was the influence of her charms that lovers of all ranks were at her feet; all the unmarried lairds in the country-side were her wooers, and even the married, it would seem, could not always escape the spell.

Amongst these suitors were Neilson of Craigcaffie, and a young Ayrshire laird, who often met within the castle-walls. The ardent Ayrshire man deemed himself the favoured lover of the two, and not without good cause; for Neilson was not only far his senior, but already had a wife. Hence hope beamed brightly on his path, and he felt little uneasiness at the presence of his middle-aged rival.

But one morning the startling news came to this enamoured youth that Neilson's wife was dead; and the man of Carrick bethought him that he ought not to feel too secure against the widower's rivalry.

At least he was safe, however, for the week before the funeral! and hurrying to Innermessan, he pressed his suit so vigorously that the maiden consented to let him claim her as his own. Overjoyed at his good fortune, he strolled musingly on the beach, when his day-dreams were disturbed by the sound of horses' hoofs; then, to his dismay, he saw the crafty laird (who had made a sudden sally from his den), before his very eyes, seize the "*clerk's daughter*," and bear her off in triumph to Craigcaffie, where the former mistress still lay unburied in her coffin.

The disconsolate wooer rode home at full speed, and collecting a band of friends, whom he conjured to assist him, galloped back *madly* with them to Craigcaffie, where he imperatively demanded the surrender of his affianced bride. But he was too late. Old Neilson was a widower no longer,—having solemnised his wedding before the funeral day came round. Addressing the party from a pepper-box turret, he sarcastically begged them not to disturb his honeymoon; regretted his inability to let them in, but hinting that if they were troublesome, there were as good men within the castle as there were without.

The band of volunteers, cold and hungry, felt the full force of the bridegroom's logic, and were, unlike the jilted lover, rather inclined to treat the whole matter as a joke. He, too, was perforce obliged to move off, muttering threats of vengeance as he went, to which the bluff laird paid little heed, who was left in undisturbed possession of his keep, and of the bodies of both his wives.

Very considerable sums were received by both the Sheriff and his father from the mill of Kirkcudbright (the possession of which has long passed from the Agnew family), in a paper entitled—

"Ane accompt betwixt ye Sherriffe of Galloway and the Laird of Kelhead for the dewes of the Milne of Kirkcudbright in ye tyme of my Lady Kirkcudbright's lyfe;[1]—according to ane tack granted by ye Sherriffe to her," etc.

There are, amongst a great many others, such entries as the following:—

"Received by Sir Andrew Agnew from my Lady, £448
Do. from Sir Robert Maxwell, 224."

The last item being

"Rests to be divided betwixt the Sheriffe and the Counter (Kelhead), - - - - £218

"I grant me to be restane to the said Sir Andrew Agnew the above-written balance, before these witnesses—Alexander M'Culloch of Drummorell (etc. etc.)—Edinburgh 8 Jan. 1672."

The Laird of Kelhead was Sir William Douglas, second son of the first Earl of Queensberry. He was a military officer, and was for many years governor of Carlisle.

Sir Robert Adair, the ninth Sheriff's colleague in many parliaments, had died in 1655, and had been succeeded by his son Sir William,[2] who resided entirely out of Galloway; his younger brother, Alexander, however, lived at the family place of Drumore, near his sister Isabel, the Lady Logan. A curious agreement was entered into between the Sheriff and this cadet of Kilhilt,

[1] This was the Lady of Thomas, second Lord Kirkcudbright.

[2] Sir William Adair died in 1661, and was succeeded by his son Sir Robert.

somewhat similar to one already quoted as made between the seventh Sheriff and Lord Barnbarroch, a hundred years before. It is in these terms :—

"At Stranraer the 1st of March 1672, it is agreed betwixt Sir Andrew Agnew of Lochnaw, Sheriff of Wigtown, and Mr. Alexander Adair son to umquhile Sir Robert Adair of Kilhilt —now donator of the ward and nonentries of the Baronie of Kilhilt and Drumoure ;—that forsameikle as there has been firme friendshipp in tymes bygane amongst their predecessors and for maintaining thereof they did accord, that what thieffs should be apprehendit within the said Barony of Kilhilt, whether be the Sheriff officer or Barronne officer, the goods of the condemned thief should be equallie devidit amongst them. . . . Whosoever shall be the first apprender or by whomsoever of the said parties he shall be judged, the goods of the said condemned shall be equallie divided betwixt Sir A^w. A^w. and Mr. A^r. A^r. and both parties oblige themselves to give faithful Inventar and Information to one another of the same."

This compact was duly "insert and wrytt in the Buiks of Counsell and Sessione," and had, as they expressed it, "the strength of ane decreet in forme as effeirs."

In 1673, Alexander Adair of Drumore married Margaret Agnew, the Sheriff's cousin, daughter of Patrick Agnew of Sheuchan.[1]

Meanwhile, on the death of the ninth Sheriff, Sir James Dalrymple of Stair had been chosen to fill his place during the remainder of the second Parliament of Charles II.

We may feel assured that the members for Wigtownshire, little as they were enlightened as to free trade, understood their own interests enough to protest against a protective Act passed during the ensuing session, to the following effect :—

[1] 2d June 1673, Margaret Agnew had 700 merks yearly settled on her with the 2½ merk land of Cardryne, the 2½ merk land of Calcoress, the 16 shilling land of Agnew of old extent, lying in the parish of Kirkmaiden. Ratified 15th April 1713, at Drumore, after Alexander Adair's decease, by his nephew Sir Robert Adair, disponing "the House of Drumore to her if he stand not in need of it ; or forty pounds for a jointure-house yearly."

"Forasmuch as the importing of victual, horses, and cows from Ireland, hath been by divers Acts discharged, and notwithstanding sundry persons, preferring their own interests to their obedience to the law, have adventured to import divers quantities of victual from Ireland, and have vented and sold the same: His Majesty, being resolved for the good of this his ancient kingdom, to take an effectual course for preventing such abuse in time to come, doth with Advice of the Estates ordain that all Heretors, etc., within the Shires of Wigtown, etc., and Stewartry of Kirkcudbright, having land on the Sea Coasts, and the Magistrates of the Burghs of Ayr, Stranrawer, Kirkcudbright, etc., give bonds that they, or their tenants, or any dwelling on their lands, shall not import or resett any sort of victual from Ireland, under pain of twelve hundred pounds. And for the vessels and goods they are hereby declared to be confiscat, and if any shall refuse to sign the bond they shall be lyable in the pain of two hundred pounds and imprisonment during the Council's pleasure."

This Act itself is strong evidence that even then vessels, and these large enough for the transportation of cattle, existed in Galloway in considerable numbers; such legislation was one of the most obvious causes of the decline of trade.

In the same Parliament was passed an Act reviving the old laws as to armorial bearings, the preamble setting forth:—

"That amongst the many irregularities of these late times, *very many have assumed to themselves arms who should bear none.*" Within a year therefore all the baronage were to declare in writing "what signs armorial they were accustomed to use . . . to the Sheriff-clerk in their own counties, or to the Lyon-clerk in Edinburgh," for matriculation in the books of the Lyon king-at-arms.

All goods upon which any arms were engraven, not so matriculated, were to be escheated to his Majesty's use.

Accordingly in due form we find the Sheriff receiving a certificate of his having dutifully complied—the Lyon being pleased to "testify and make known that the coat armour belonging to the Right Worshipfull Sir Andrew Agnew of Lochnaw, for his achievment and ensign armorial bears argent a cheveron

between two cinq foils in chief, gules, a saltier couped in the base, azur. For his crest ane Eagle, issuant and regardent proper. Supporters, Two Tigers, gorged, with a ducal coronet and chained, or. The motto in ane scroll above all, 'Consilio non impetu.'"

From a mass of similar papers we select a few; and first, a precept granted by the Sheriff to the procurator-fiscal, against the provost and baillies of Stranraer, who were contumacious.

"Sir Andrew Agnew of Lochnaw, Knight and Baronet, Sheriff-Principal of the Sheriffdom of Wigtown, to my Officers and Sergeants, greeting,—

"Forsameikle as by lawful process led and deduced before me and my Deputes, the Provost and Baillies of the Burgh of Stranrawer were adjudged to make payment to William Gordoun, Procurator-fiscal of the Sheriffdom, of the sum of fifty pounds Scots money of fyn and unlaw, for not compearing and giving suit and presence at the Michaelmas Head Court, holden at Wigtown by me and my deputes upon the fourteenth day of October instant, for the sute of Stranrawer:

"Therefore it is my will and I charge you straitlie, and commands, that incontinent this my Precept seen, ye pass and in our Sovereign Lord's name and myne, command and charge the said Provost and Baillies to make payment of the said sum of fifty pounds money of fyn, within fourteen days next after they be charged by you thereto; and gif need be that incontinent thereafter ye pass, arrest, appryse, compel, poynd, and distrain as meikle of the said Provost and Baillies' wadsets, moveable goods, and gear wherever ye can apprehend the same, as will extend to worth and quantity of fifty pounds.

"The quhilk to do be this my precept, given at Wigtown, 14 Oct. 1673."

The Lairds of Craichlaw and Culvenan were also fined fifty pounds each, for not giving suit and presence at the Sheriff's Court.

On the 16th October 1674, at the Michaelmas Head Court, the Sheriff "continued Captain Fergusson depute," appointing James Kennedy "for the upper Presbytery;" also, "William Gordon to continue Procurator-Fiscal and James Campbell to be his conjunct."

An interesting minute of the same date records the usual rates of agricultural labour :—

"The Sheriff and Freeholders ordains the prices following to be the registrate prices for tradesmen and workmen for each day's wages, viz.—

"For ilk mawer of hay, sixpence.

"For ilk shearer, three shillings.

"Item, to ilk best servant that plowes, or calls the pleuch, or works any other work of husbandry, for the half year, ten merks and two pair shoes.

"Item, each woman servant of the best, four punds, and two pair shoes for the half year, with certification, viz.—if the foresaid servants transgress and exact any more, that they shall omit and lose the said half-year's fee, and the same shall be exacted by the Procurator-fiscall.

(Signed) "ANDREW AGNEW."

"18 *May* 1675.—Court halden by Sir Andrew Agnew of Lochnaw, Sheriff Principal, and his Deputes Captain Ferguson and the Laird of Dalregle.

"The Sheriff having considered the dittay of theft proven against John Sempill in Drumnescat, and the verdict of the Assize finding him guilty; the Sheriff being unwilling to take his life for the said crime, does ordain the said John to be stigmatised in the hand and thereafter that he go out of the country and never return during his lifetime upon pain of death."

On the 3d August 1675, John M'Ilroy was found guilty of stealing a cow and a calf; but got off very easily, the animals having been recovered by the owner; the deliverance being, "The Sheriff pardons him on condition of his banishing himself, there being no prejudice, and it being his first fault."

On the 17th December 1675, three persons, two men and a woman, were brought before the Sheriff at his Head Court, and there convicted of sheep-stealing. Of whom "William M'Kie, for stealing a sheep, slaying and selling it (it being his first fault),"

was sentenced "to be burnt upon each hand with ane hot iron by the hangman at the mercat cross." "Bessie Bell, his accomplice, to be scourged by the hand of the said hangman at the said place the 8th day of December instant."

William Heuchan, an old offender "to be hanged upon a gibbet at the Clay Pottie, by the Gallow-hill, by the hand of the hangman upon the ninth day of December instant, betwixt two and three hours of the afternoon. The Magistrates of Wigtown to put the sentence to execution, the Panell's whole goods and geir to be escheat."

In 1677, the Sheriff appointed his uncle Colonel Agnew of Quhitehills, one of the Sheriff-deputes, as also George Stewart of Tonderghie, and Provost William Coltrane; thus there were five deputes in the Sheriffdom. The following petition is amusing from the uncle to his nephew:—

"*Unto the Honourable Sheriff of the Sheriffdom of Wigtown*—

"I Alexander Agnew of Whythills humblie meinis and showes, that whereas Janet Brown my servand being entered in my service, did crave liberty of my wyfe to goe the matter of four and twentie hours to spean sum lambs and doe sum other business, and to return to her service; yet nevertheless she refuses to come, as we are informed by the investigation of John Kevand in Wig whas wyfe is out anursing; and she in the mean tyme keeps herself privat and will not appear; therefore it is my humbell desyre that the said Janet Brown may be fyned for the neglect of her service and that warrant may be granted to the officers to apprehend her person and imprison her ay and quhill she find sufficient cautioners to perform her service; and that the resetters may be summoned and brought in for resetting her according to the Law.

"And your Petitioner will ever pray."

The prayer was granted, and this warrant issued by one of the deputes.

"Summons.

"Thes ar to warrand and comand you [name illegible], officer

to requyre Jannatt Browne wherever ye can fynd hyr, to returne to her service to Lieutenant Collonell Agnew of Whytthills, and if shee refuise, to summon her and any of her reseats to appear befoir the Shiraff or his deputs in the tolbouthe of Wigtoune the saxt of June 1676 to answer to the complent of Whythills, with certification if she obey not, officers sall be commanded to take her to prisone until she find caution to fulfil her service beside her fyne for her contempt.

"Given under my hand at Dwell (Dowalton) 1 June 1676.

"Jo. FERGUSSONE, *Deput.*"

As an example also of the feudal administration of law still in vogue, we take a case before

"The Baron Court of Mochrum Park holden in the usual place yrof the 25th November 1675 be James Dunbar of Mochrum, Heritable Baillie, at the instance of James M'Gown in May of Mochrum, Procurator-fiscall of the said Barony of Mochrum Park, against Alexander M'Guffoch, in Corwar, Alexr. M'Kivin yr., Patrick M'Breyr, Alexander M'Kie elder in Gargarew, and (twenty-one others all named) making mention that the haill of the defenders hes violat broken and contravened the Acts of Parliament against taking red kiper fish in forbidden tyme; muire burning in forbidden tyme, and cutting greine wood and growing timber.

"Compeared personallie in judgement the said Procurator Fiscall and produced the summons duly execut and endorsed by John Brown, Baron Officer.

"Compeared in judgement personallie the haill defenders, who being solemnlie sworn, ilk ane of them deponed upon their great oaths and consciences that they were frie of the breaking of the said statutes, and that they nor none of them brunt any moor in forbidden tyme, since the year 1674, kilt no red kiper[1] fish in forbidden tyme, nor cutted no grein wood nor growing,

[1] Kipper here means foul fish, and this is the original signification of the word. Foul fish being unfit for use while fresh, was usually hung up and dried; hence gradually all cured salmon has come in modern times to be called kipper.

without the express command and directions of the righteous owner thereof.

"In respect quhereof the Judge absolved the said defenders."

The Sheriff and county gentlemen were much occupied in endeavouring to enforce uniformity in weights and measures. Various meetings are minuted in the Sheriff's books, and committees appointed "to *inquire after the trew misor and to rectify the old misor;*" after these proceedings had been in progress several years with little result, in 1677 they seem to have determined to take more energetic steps, and at

"Wigtown 29 March 1677,—

"The Sheriff, Barons, and Freeholders having convened and considered that the Act made at the last Michaelmas Head Court anent the rectified measure of victual had not become effectual nor received obedience, therefore they ordain the sheriff-deputes to call in the old half-pecks and auchlets within the shyre of Wigtown, and cause burn all above the Water of Luce at Stranrawer, and all below the said water at Wigtowne croce, betwixt and the tenth day of Apryll next to come, and in case any shall failzie to bring in the said measures, the Sheriff, Barons, and Freeholders appoints them to be fyned each person in the sum of eight pounds.

(Signed) "GALLOWAY. VAUS OF BARNBARROCH.
ANDREW AGNEW. R. MURRAY.
DA. DUNBAR. DA. DUNBAR JR.
ROBERT STEWART. GEO. M'CULLOCH.
WILLIAM STEWART. JA. DUNBAR.
H. M'DOWALL. J. STEWART."[1]

This year the Sheriff got further into disfavour with the viceroy, owing to his showing uncourtly leniency in enforcing

[1] As a statistical fact of the year 1677, "in the town of Wigtown was a woman called Margaret Blain, wife to John M'Cracken a taylor, who was brought to bed of three children, who were orderly baptised, *having a quarter of a year or thereabout before miscarried of another.*"—*Symson.* She was living when he wrote in 1684.

the laws against conventicles, and Murray of Broughton—a man of sterner mould—received a special commission for carrying out this Act, extending to the whole of Galloway, and allowing him for his pains a large portion of such fines as he was empowered to impose.

And further to discredit the Sheriff—who was not at all disposed to be a willing tool in the hands of the Council—they ordered him to grant deputations to John Graham of Claverhouse, and the Lairds of Lagg and Earshall. These new deputes, who virtually superseded the Sheriff-principal, soon gave him a lesson how to treat schismatics with becoming rigour; and concurrently with their arrival, a large force of horse and foot, the latter represented by 6000 wild Highlanders, were turned loose on unhappy Galloway.

As to this Highland host, it is related, that, "having received a general licence, they carried off every portable article from the houses of the inhabitants, and even stopped travellers on the highway and robbed them of wearing-apparel. These 6000 rapacious Highland soldiers, unaccustomed alike to the language and manners of civilized life, commanded by their own chiefs, clad in a strange garb, spread desolation and consternation whenever they approached."[1]

The recusancy of the Earl of Cassilis, in protesting against the Conventicle Act, had not been forgiven by the party in power, and consequently 1500 of this Highland host were now quartered in Carrick, who exacted free quarters, and ravaged and plundered his estates. The Council required him further to sign a bond making himself answerable that none of his family, tenants, or labourers, should attend Conventicles; this as a simple matter of prudence he refused to do, upon which he was declared an outlaw, and the Royal Commissioners, in the hey-day of their exercise of high prerogative, would at once have arrested them, had not the king himself demurred at such a proceeding, and warned them against pushing things too far.

Troubles now thickened round the heads of Presbyterians.

[1] Mackenzie.

In 1679, Gordon of Earlston, who inherited the dauntless spirit of the old "Patriarch;" Patrick M'Dowall of Freuch (who had succeeded his father Uchtred in 1670); and Thomas Hay of Park, the Sheriff's father-in-law, were all summoned to appear before the council on a charge of having been present at conventicles.

Acting under orders of which the old local authorities had no cognizance, the Highland host proceeded to acts of more daring aggression; and with or without orders (the result being the same for the sufferers), they extended their system of pillage to the baronage themselves, quartering themselves at pleasure in their houses, and appropriating whatever they chose.

The Sheriff, having removed his family to a place of safety, remained himself upon his estates, although treated little better than an outlaw. He had to abandon his castle to the Highlanders, and was often driven, Sheriff as he was, to seek shelter in strange hiding-places, his eldest son being his only companion.

In Larbrax Bay, beneath the Sea King's Camp, is a cave which, in place of opening upon the sea-beach, is entered by a small aperture through the heathery hill above. The approach is so narrow that, in order to enter, a full-grown man must crawl backwards, till, after threading a short winding passage, a moderately-sized chamber is reached, perfectly dark, but quite concealed from view. In this undesirable abode, the haunt of the sea-otter or the chough, the good Sheriff frequently lay concealed, in a sorry way for creature comforts, whilst the Highlanders took their ease at his castle of Lochnaw. This military visitation is to this day looked back upon as a family misfortune; innumerable relics of olden times—arms, pictures, furnishings, and all such heirlooms as naturally accumulate during an occupation of many generations—were coolly carried off or ruthlessly destroyed by these kilted crusaders, on whose departure the Whig Sheriff found his ancient home almost as bare of furniture as were his temporary quarters by the sea-shore.

The Laird of Freuch, driven from his house by the same marauders, was easily induced to join the rising which ended

in the affair of Bothwell Bridge. In this, the two brothers of the Earl of Galloway, the Lairds of Ravenston and Castle-Stewart, were also implicated; but they made it appear to the satisfaction of the Council that they had not been present at the battle, and so escaped. Patrick M'Dowall fled, and his mansion, which had been already gutted by the Highland host, was by official orders used as a barrack for dragoons.

M'Dowall's trial was hurried on in the High Court of Justiciary. It was proved that he had been seen marching at the head of three or four hundred rebels at Sanquhar and Hamilton Moor. He was consequently both attainted and his "memory" pronounced to be "extinct!"

The extinguishing process is thus explained by Nisbet the herald:—

"Captain Graham of Claverhouse, a rising favourite, had an eye to Freuch's estate, and got the promise of it as soon as it should be confiscated, so he with great eagerness saw the sentence of forfeiture punctually executed as the law directed; the tearing out his coat of arms out of the books of heraldry, and the throwing them over the Cross of Edinburgh with sound of trumpet. This is the reason why the armorial of the house of Freuch may not be in the registers of the Lyon office."[1]

Claverhouse got the estate of Freuch as intimated, Parliament passing an Act of Ratification on the 28th July 1681, in which our Sovereign Lord and Estates, in consideration of the good services and "*sufferings*" of John Graham of Claverhouse, "ratifies a charter under the great seal, whereby his Majesty granted to the said John the lands of Galdenoch, now called of Freuch, with houses, buildings, yards, orchards, mills, woods, fishings, moors, etc., which pertain heretably of before to Patrick M'Dowall, sometime of Freuch, which fell in his Majesty's hands

[1] Nisbet's *Heraldry*. Freuch is an old Scotch adjective signifying dry, brittle. Patrick M'Dowall might have exclaimed with the poet

"Wo worth this warldis *freuch* felicitie!"

In the Sheriff's Court, 6th February 1680, Andrew Agnew of Croach was served heir to his father Alexander. On the 13th October 1680, Patrick M'Dowall

by reason of forfalture, through Patrick M'Dowall being convicted of the crimes of treason and rebellion."

The Sheriff had now hardly a vestige of authority, so that when in August 1681 the celebrated "Test Act" appeared, by which all persons holding offices were obliged to take the test before the month of January following, he had little official dignity to lose in declining to receive it. The test consisted in taking a solemn oath—the engager kneeling—

That he judged it unlawful to enter into covenants or leagues, or to convocate or assemble to consult on any matter, civil or ecclesiastical, without the king's special command; that he never would enter such covenant or assemblies; that no obligation lay on him for the National Covenant; and that he would never, on any pretence, decline his Majesty's power and jurisdiction.

At first sight, at this distance of time, the wording of the declaration may not strike the reader as unreasonable; but the question then at issue was this: Whether those who had a preference or a conscientious conviction in favour of Presbyterianism—which, it must be remembered, was the case with the majority in Galloway—were to submit helplessly and hopelessly, without a murmur, to the Episcopalian party; there being at the time a bitter animosity between the two religious parties; and taking *the test implied entire withdrawal from the Presbyterian communion.*

The Sheriff had hitherto endeavoured to reconcile to his conscience the enforcement of the Test and Conventicle Acts upon persons delated by the curates, or hunted down by the

of Logan and David M'Dowall of Dalreagle, nearest of kin on his father's side; and James Dunbar of Mochrum and George Campbell of Skeldone, nearest on the mother's side, were summoned to hear and see curators appointed to the said Andrew Agnew, a minor. And on the 2d January 1681, Sir William Maxwell, now of Monreith, second nearest heir of line and tailzie to the deceased William Maxwell elder, his father, and to the deceased William Maxwell of Monreith, his brother's son; also Agnes Maxwell, only daughter of the deceased John Maxwell, now spouse of Robert Gordon of Skiriners, second nearest and lawful heir of line in general to the said William Maxwell elder, and William Maxwell younger, of Monreith, her goodsire and brother.

soldiery; it was in reality an act of humanity to the parties tried so to convict them, as the fines he inflicted in his courts were trifling indeed compared to the amount contemplated by the promoters of the Act. But when, in addition to duties already sufficiently distasteful, it became necessary that he should take the test himself, he resolutely declined, though well aware of the certain consequences of his refusal.

He was of course superseded, and the popular feeling as to his successors is thus stated in the *Statistical and Historical Gazetteer of Scotland*:—

"Sir Andrew, the present Sheriff, being favourably disposed to the persecuted Covenanters, and inclined rather to shelter their worthy ministers than to hunt them down, first the odious Graham of Claverhouse, and afterwards his brother of kindred character, were sent down by the Scottish Privy Council, to show the Sheriff how a truculent government wished its tools to cut."

Sir James Dalrymple, then President of the Court of Session, set a noble example at this trying time; he gave up all the emoluments of his office, and retired to Balniel, where his advice and encouragement were a great advantage to the Sheriff.

It was known at Court beforehand, that the conscientious old man was sure to be entrapped under the new Act; but he was not allowed to retire quietly by its operation, without a personal slight being added by the king. By the law, all persons were allowed until January to make up their minds; and Lord Stair, though he never intended to comply, yet wished to resign his commission into the king's own hands, not without hope, perhaps, that his influence, which had once been great, might still cause the king to reconsider the measure. On arriving in London, however, Charles declined to receive him, and intimated that a new commission was *already* issued, in which his name had been omitted. This offended Lord Stair as much by its lawlessness as by its studied rudeness. He writes, "I neither did resign, nor was excluded *by the Act of the Test, seeing the day was not yet come*, but by mere arbitrary power."

The principal proprietors of Wigtownshire acquitted themselves like men during these trying times. The Earl of Galloway, although an earnest royalist, manfully refused to take the oath required, and was summarily (and quite illegally) deprived of his hereditary bailliary of Whithorn, the Earl of Queensberry being appointed his successor; and shortly after, Sir John Dalrymple was ejected from his bailliary of Glenluce.

That the process of testing was odious as well as obnoxious to honourable men, is pretty clearly proved by the fact, that nearly eighty Episcopalian clergymen in Scotland—the very men whom it was supposed to favour—allowed themselves to be deprived of their benefices rather than submit.

The illegality with which all officials opposed to the views of the Council were treated, fully equalled the arbitrary nature of their acts. Even Chalmers, their persevering apologist, little partial as he was to the Whigs, throws his friends overboard on this occasion, of which he writes thus:—

"Sir Andrew Agnew, the present Sheriff, was induced by his principles to look favourably on field-preaching; but he now lived under a government which would not allow him to look awray on preachers, who assumed that every man might preach, and every preacher might say and do what he thought fit.

"*With as little authority perhaps*, the Scottish Privy Council, in January 1682, sent down the well-known Graham of Claverhouse, to show the Agnews, at the end of two hundred and thirty years, how to execute the office of Sheriff.

"The reason assigned for superseding Sir Andrew Agnew was that he declined to take the test."[1]

[1] *Caledonia.* We find by charters that, in 1681, the Sheriff acquired the lands of Knocknain and Auchneel (or Barjarg), from Mure of Auchneel.

CHAPTER XXVI.

CLAVERHOUSE CONJOINT SHERIFF.

"The Hotspur of the North, he that kills me some six or seven dozen of Scots at a breakfast, washes his hands, and says to his wife, 'Fie upon this quiet life! I want work.' 'O my sweet Harry,' says she, 'how many hast thou killed to-day?' 'Give my roan mare a drench,' says he, and answers, 'Some fourteen,' (an hour after) 'A trifle! a trifle!'"—SHAKSPEARE, *Henry IV.*

ON the 19th of January 1682 John Graham of Claverhouse was appointed Sheriff of Wigtown during pleasure, with power to nominate deputies.

He arrived in Galloway in great style, his movements being in fact often attended with the "pomp and circumstance of war."

He held his first court in Wigtown the first week in March, when, although he transacted but little business, a grand entry made in the record-book still remains—

"*The right noble Captain John Graham of Claverhouse;*" under which it is only notified that he continues the sheriff-clerk. On the 17th of the following month there is another entry, from which it appears, by virtue of his powers, he had appointed his brother to be his depute, as it mentions the "Sheriff-Court of Wigtown halden in the Tolbooth there by Mr. David Graham, brother-germaine to the Laird of Claverhouse as Sheriff-Depute of the said Sheriff-Principall."

Claverhouse was now a Galloway laird, and owner of the ancient barony of Freuch; moreover, Viscount Kenmure declining the test was deposed from his bailliary of Tongland, in the Stewartry, to which the "noble" captain was also appointed.

Claverhouse was handsome in person, and courtly in manners; and prior to the atrocities with which his name was afterwards connected, he was a favourite in general society. In Galloway he was received with hospitality, if not with cordiality,

by the baronage; and after his arrival he met Lady Stair at a large county party.

This lady, whom we have before mentioned, the heiress of Carscreugh and Balneil, was a person of great address and wit; she was a determined Presbyterian, and as a kinswoman of the Agnews, was a warm partizan of the hereditary Sheriff against the dragoon officer who had usurped his powers.

Being seated at table, as the conversation became free, Claverhouse (whose name we must premise was always pronounced Clavers) inveighed against Presbyterians in general, and against John Knox in particular, with a vehemence by no means acceptable to a Galloway audience. Lady Stair listened in silence for a while, till at length, able to stand it no longer, she exclaimed across the table, "Captain, just let me say this, and think you well on it:—*Knox* gained his end by *Clavers*, and *Clavers* won't win his without *Knox* (*knocks*)!

We quote a few notes from this new Sheriff's despatches to Queensberry; although their interest is much impaired, from the fact of his biographer, writhing under Sir Walter Scott's comment on his hero's spelling, declining to give us the genuine orthography.

CLAVERHOUSE TO QUEENSBERRY.

"Newton of Galloway, 16th Feb. 1682.

"As I came from Stranraer[1] about Glenluce I met with Castle-Stewart and his brother, to whom I gave all the assurance imaginable of my care of their concerns, as I did to my Lord Galloway, whom I had the honour to see at his own house, and let him know it was particularly recommended to me by your Lordship. They seemed very sensible of your favour and satisfied with it. I had the good fortune to see Bructon, Baldoon, and Ylle.[2]

[1] We are at a loss to know which of his proper names are modernized and which are his own; in no writing of the period have we seen *Stranraer* spelt thus.

[2] Murray of Broughton; Sir David Dunbar of Baldoon; Thos. Lidderdale Stewart, Depute of Kirkcudbright.

"I was last night to wait on my Lady Kenmure, my Lord being from home. I told her what pains your Lordship had been at to keep her house from being a garrison, and she seemed very sensible of it. I am sorry I must acquaint you, but I shall do it to nobody else, that I am certainly informed my Lord Kenmure has conversed frequently with rebels, particularly Barscob.[1]

"As to the treasury commission I fear I shall not be able to do what I would wish, because of the season. For of their corn and straw there is not much left, and their beasts this time of the year are not worth the driving.

"For what remains of the laws against fanatics I will threaten much, but forbear severe execution for a while, for fear the people should grow desperate and increase the number of our enemies."

"Dumfries, 22d Feb. 1682.

"I sent an express on Friday morning with letters to your Lordship, nor could I write sooner, for it would have been to no purpose to do it before I came to Stranraer. My Lord, your Lordship would see by my letter to the general how I have provided for my party. Two weeks' provision at Stranraer, three at Wigtown, three at Kirkcudbright, three at Dumfries from the ten parishes of the Stewartry, and two at Newton, which will serve us till the grass.

"I have so far preferred the public concern to my own that I have not so much as called at Freugh, though I passed in sight of it. I can catch nobody, they are all so alarmed. My Lord Duke of Hamilton was pleased to tell me before I parted, that I would do well to lie close in houses, for he would make it so uneasy for the Whigs to live in the West, that he would send them all in to me. But by what I see as yet, I send more in on him than he does on me. "J. GRAHAM.

"Since the writing of my letter the Provost of Wigtown came to me and complained of my Lord Kenmure's deforcing

[1] Robert M'Clellan.

the messenger first; and then the second time his factor robbed the messenger, and would force him to swear he should not reveal that he had taken the letters from him. This is a high misdemeanour."

"Newton of Galloway, 1st March 1682.

"I wish the Gordons here were transplanted to the North, and exchanged with any other branch of that family who are so very loyal there and disaffected here.

"I have called two or three parishes together at one church, and after intimating to them the power I have, I read to them a libel narrating all the Acts of Parliament against the fanatics, whereby I made them sensible how much they were in the king's reverence; and assured them he was relenting nothing of his former severities against dissenters, nor care of maintaining the established government, as they might see by his doubling the fines in the late Act of Parliament; and in the end told them that the king had no design to ruin any of his subjects he could reclaim, nor I to enrich myself[1] by their crimes; and therefore any who would resolve to conform and live regularly might find favour, excepting only resetters and ringleaders.

"The thing I would propose for remedy of all this is that there be a hundred dragoons raised for this country; the king may give maintenance to the men, and the country to the horses. If the king will do his part, I shall undertake for the country as a Galloway laird.

"I desire leave to draw out of the two regiments one hundred of the best musketeers who had served abroad, and I should take the horses here amongst the suffering sinners."

"Wigtown, March the 5th, 1682.

"Old Craikley[2] came in yesterday, and I got a safe pass for his son and another heritor called Magie[3] that has not yet been heard of.

[1] These words are somewhat amusingly put in italics by Mr. Napier, as if the assertion was in itself a triumphant vindication of a charge of peculation made against the writer himself.

[2] Gordon of Craichlaw.

[3] Probably M'Kie of Larg.

"Here in this shire I find the lairds all following the example of a late great man and considerable heritor among them, which is to live regularly themselves, but have their houses constant haunts of rebels and intercommuned persons, and have their children baptized by the same, and then lay all the blame on their wives.

"But I am resolved this jest shall pass no longer here for it (is) laughing and fooling the Government."

It was not long before Claverhouse came into direct collision with Sir John Dalrymple, who, although he (long afterwards) disgraced himself by ordering the massacre at Glencoe, was a man of transcendant talent, and a warm partizan of the persecuted Presbyterians. Having presented himself in the Sheriff's Court to complain of the proceedings of the Sheriff's subordinates, Claverhouse becoming angry, and being no match at argument with the accomplished advocate, ordered the soldiers to turn him out by force. In Sir John's own words—

"Claverhouse became so rude and enraged that though there were a hundred present who were not members, yet Claverhouse did cause his soldiers and officers to take the complainer by the shoulders from the table, which was an indignity that his Majesty's justice and princely generosity does not allow to be offered to a gentleman."[1]

Soon after this an officer of Claverhouse's dragoons imprisoned some of Sir John Dalrymple's tenants for refusing to furnish his troops with hay and straw. Sir John applied directly to the Privy Council, and obtained an order for their release. But Graham, furious at being thus crossed, gave in a bill of complaint against Sir John, who, upon his part, advanced countercharges against Claverhouse. One of these was to the effect that he as Sheriff had pocketed a sum of money to condone Sir Thomas

[1] Mr. Napier, strangely ignorant as to the feelings of Gallovidians towards these two opponents, remarks, "Doubtless, the barons, heritors, and retainers present . . . . enjoyed the scene amazingly. Nothing half so entertaining has occurred in the head courts of Galloway from that time to this."

Hay's nonconformity. Claverhouse admitted having fined him, but involved himself in certain contradictions which Sir John thus triumphantly pointed out:—

"If Thomas Hay of Park was 'innocent and aged' he should not have been fined nine thousand merks; and if he had not become orderly, and was, as Claverhouse said, the 'only man within the Shire goes not to the church, nor his Lady was never in the church but once,' then the sum ought not to have been diminished."

Sir John proceeded to complain of abuse committed by Claverhouse's soldiers; but here he was stopped by the Court, because, as Fountainhall explains—"the Chancellor would not allow Sir John to complain of the exacting of free quarters in the name of any but himself and of his tenants only, without he had a commission from the rest of the Shire, *in which they durst not join, soldiers getting a more favourable hearing than country gentlemen.*"

Dalrymple was then put upon his own defence, and was adjudged guilty and sentenced to pay a heavy fine, and to lose his bailliary of Glenluce, which was conferred upon Charles Hay younger of Park. On this occasion Sir James Dalrymple writes:—

"My eldest son was fined in £500 sterling on Claverhouse's pickish accusation that as baillie of the regality of Glenluce he had fined too low for conventicles. He was taken summarily without citation and brought to the tolbooth of Edinburgh, as if he had been a malefactor, and then let go upon a bond of confinement without showing the least pretence of a cause."

The Privy Council entirely supported their lieutenant. On the 29th September, they write to Claverhouse—

"Sir, we are so well satisfied with your proceedings in the Shire of Galloway that we not only give you hearty thanks but will be ready to concur and give you all the encouragement that is necessary. . . And being informed that notwithstanding of the favour you have shown to that people, they begin to abstain from going to church, we do therefore recommend most seriously

to you that you put the laws vigorously in execution against delinquents."

And a more humble admirer inscribed a poem to him at the close of the season, containing this elegant stanza :—

> "The brave Reformer of great Galloway-shire,
> I hope he will to Colonel's place aspire ;
> His martial troops does scour around the fields,
> So that no hole a shelter rebel yields."

But Claverhouse was a man too valuable to the Government to be spared exclusively to remote and rebellious Galloway; hence on the 12th of May, his brother David received a commission as conjoint-sheriff, so as to allow other districts the occasional advantage of his presence.

Sir Andrew Agnew, however illegal his summary deprivation, had little to regret in being entirely freed from the responsibilities of office.

He had already, as a proprietor, declined to give information against his own servants for absenting themselves from Episcopalian services, and as a Sheriff he had refused to impose fines of an exorbitant amount upon others brought before him for similar offences. It now became a Sheriff's legal duty to inflict death for field-preaching ; and as still further barbarity, capital sentences thus passed were ordered to be carried into effect *within three hours* after judgment.

Such as fled from justice were to be equally formally sentenced "to be executed to death," with this addition, "that *their names and memory* were also to be extinct."

The Government was now no longer satisfied by the lieges simply *abstaining from frequenting conventicles;* they peremptorily ordered them to *attend the church ;* a service-book was also a legal necessity ; and hence, at the drum-head courts-martial which became, for the nonce, the west country church tribunals, whilst the non-possession of a service-book rendered the defaulter liable to suspicion, the *possession of a Bible* was, it is said, accepted as direct evidence of the owner's nonconformity. A biting satire on the form of religion thus upheld !

When sheriffs were expected to assist in playing "such fantastic tricks before high heaven," it was well that Galloway should not be further scandalised by seeing one of her own sons in so ungracious a position.

The "*considerable heritor*" alluded to in Claverhouse's letter of the 5th March 1682, was Lord Stair, who had now removed from Balniel to Carscreugh, where he had erected a house, termed by Symson "a stately mansion," in which the old judge greatly delighted, though the situation was singularly bleak,—the same author continuing, "It might have been more pleasant if it had been in a more pleasant place!"

Whilst the old lord wrote his law-books, the improvements were superintended by his lady. The lime for the building was obtained from the bank of shells by Baldoon Park, mentioned in the ninth Sheriff's description of Wigtown; as to which this story is still told:—Her ladyship having ordered out all the tenants of the Carscreuch to fetch this lime, they set off with all their horses for the bank accordingly, and on their return stopped to dine at the dam of Borland; where the horses, freed from their loads, enjoyed their repast also on the fine meadow near the mill.

The tenant of Borland—a big, burly, and very peppery fellow—was not a little moved to wrath when he saw these uninvited guests turn their horses loose, whilst they themselves pic-nic'd on his grounds. He seized a knotted stick, and sallied out to the attack as the men of Carscreuch sat in groups discussing their meal, or lay napping on the green; and fell so lustily upon them, that they took to their heels unresistingly, and collecting their horses as they best might, moved off, many of them bearing visible evidence of the punishment they had received. Followed by M'Kechnie's imprecations, they made their way as fast as their beasts could go to Carscreugh; where no sooner arrived, than they asked to see their mistress, and with a lamentable voice detailed their wrongs.

Lady Stair heard them out. "I wish I had the man here," said the dame, "and he should have the best bottle of brandy in

my cellar, for he has well earned a dram if it is true that he has thrashed all the baillies of Carscreugh by himself." The joke got wind, and for many a long day, at fairs and markets, the wits of the country-side used to turn the laugh against the tenants of Carscreugh.[1]

Soon after Carscreugh was built (about 1679), a sad tragedy occurred there:—Lord Stair's grandsons, John and James, the two eldest sons of Sir John Dalrymple (by Elizabeth, daughter of Sir John Dundas of Newliston), were playing about the doors, when a visitor arrived, whose horse was led round to the stables, the servants first removing his pistols from the holsters, and laying them on the hall table. The little fellows came in, and taking them up in boyish play, each presenting his weapon at the other, cried "Fire," and drew the triggers; James's pistol missed fire, but John's exploded, killing his elder brother on the spot.

The nerves of the young Lady Dalrymple were so much affected, that she could not bear the sight of the surviving boy, who had been the innocent cause of her bereavement; he was left with his grandmother, and afterwards sent abroad and educated at Leyden. This boy became the celebrated Marshall Stair.

A story is told at Glenluce of the boy, a few years after. In October 1682, Lord Stair having found it unsafe to remain at home, retired to Holland, where his lady was soon to follow him. When she was ready to leave her home, John Dalrymple assisted her to mount her horse, and was so much distressed at observing his grandmother's grief, of which he believed Claverhouse to be the cause, that, boy as he was (some fourteen or fifteen years old), he sent him a challenge. Claverhouse treated his message with silent contempt, but the irritated youth was not to be so put off: going to the inn where the terrible man was staying, he encountered him on the stairs, and repeated his defiance. Graham laughed at him outright, upon which young Dalrymple

[1] "On the banks of Baldoon Park that lies opposite to the sea, the sea casts innumerable and incredible quantities of cockle-shells, which the whole shyre makes use of for lime, and it is the only lime which this country affords."—*Symson.*

deliberately spat in his face; but great as was the insult, tradition says that the bloody Claverhouse pocketed the affront. The story is told to prove that Claverhouse, daring as he was, had no cool courage—as the boy was already celebrated for his fencing skill—and that he had no stomach for a hand-to-hand encounter. We do not vouch for the truth of this, but it is a genuine country tale!

Meanwhile the testing process went on. The M'Dowalls and Dalrymples sympathised in the Sheriff's scruples; Sir Robert Adair had withdrawn to Ireland; and as no baron of note resident in the Rhinns had the confidence of Government, Sir Godfrey M'Culloch, one of their few supporters, was appointed sheriff-depute for the Presbytery of Stranraer.

A commission was issued to David Graham, William Coltran, and Sir Godfrey M'Culloch, "for tendering the test to the Gentrie and Commons within the Shyre of Wigtown." The old Galloway blood was not strongly represented by this trio, who accepted their mission, and by the close of the year reported, that "the haill Gentre and Heritors within the said Shyre had taken the test in the way and manner appoynted by Act of Parliament, *except*—

Sir Andrew Agnew of Lochnaw;
James Agnew, his son;
William M'Dowall of Garthland;
William Gordon of Craichlaw;
——— Stewart of Tonderghie;
Mr. Kennedy, Minister, in Ireland;
Mr. James Laurie, who lives at Air;
Alex^r. Laurie, his son;
W^m and David Gordons, son to the said Craichlaw."

Early in the summer of 1683 the Sheriff's eldest son married Lady Mary Montgomery, daughter of Alexander, eighth Earl of Eglinton, by Lady Elizabeth Crichton, daughter of the Earl of Dumfries.

The marriage-contract is dated at Ayr on the 22d June 1683, and the Galloway lairds mustered strong at the wedding.

The settlements were signed then and there by Patrick M'Dowall of Logan, Sir William Maxwell of Monreith, Sir Andrew Agnew of Lochnaw, Hew Cathcart of Carlton, Lord Bargany, Lord Montgomerie, the Earl of Dumfries, and Lord Crichton.

Soon after which happy event the young couple took up house at Innermessan.

As Sir James and Lady Mary Agnew were the last of the family of Lochnaw who inhabited the mansion which stood on this classic spot, every vestige of which has been barbarously removed, we shall here insert a few notices of the place gleaned with some difficulty, as the recollections of the old castle are fast fading away.

The lands of Innermessan "*lying between the torrents*" were, as before mentioned, conferred on the first Sheriff by royal charter A.D. 1429. Here at an early date the Agnews built a "strong house," thus mentioned in an old deed in connection with the property: "All and haill the lands in and about Innermessane—to witt, the *principall place, tower, and fortalice, with the office houses and yeards thereto belonging.*"

An old man now alive (1862), and in his ninty-sixth year, distinctly remembers the ruins of this feudal keep, which, in his boyhood, extended over a considerable surface. Its position was well chosen for defence, as the ground falls rapidly away outside the court-yard; whilst the interesting moat-hill, in connection with it, commanding the entire shores of Lochryan, gave the site a peculiarly baronial aspect. The castle looked down eastwards on Craigcaffie which was almost within gunshot, but which, instead of occupying a prominent position like Innermessan, seemed to court security by lying remote from observation, snugly ensconced under the fells which rise behind it.

Symson notices the place as a mansion-house in the Inch next in importance to Castle Kennedy:—

"Indermessan," he says, "is situated near Lochryan, about two miles distant from the Kirk (of Inch) towards the north-west. This house belongs to Sir Andrew Agnew of Lochnaw. Here is a hamlet or village, which of old was the most con-

siderable place in the Rinds of Galloway, and the greatest town thereabout till Stranrawer was built."

Up to comparatively recent times we learn from the oldest inhabitants that "there were at Innermessan *fourscore houses of the better sort having brewing kettles;*" and in the retours of various Sheriffs are lists of house-properties, each dwelling-house having "yards and gardens;" as well as two mills, belonging to the family of Lochnaw.

The *Statistical Account of Scotland* gives the following particulars:—

"At Innermessan is a large circular mound called the moat; its circumference at the base is three hundred and thirty-six feet, and from the foundation to the top is seventy-eight feet. The name Moat,[1] a Saxon word, would seem to indicate that it was a place of Judicial assembly. The fosse would lead us to believe that it had been used as a fortlet or place of defence. This Innermessan was the site of the ancient Rerigonium, a town of the Novantes. It was situated on the Rerigonius Sinus, the modern Lochryan.

"In subsequent times there was the town and castle of Innermessan, the castle belonging to Sir Andrew Agnew of Lochnaw. The town of Innermessan seems to have been the most considerable place in the Rhinns of Galloway. Every vestige of the town and castle is now obliterated. Innermessan is properly Invermessan, the influx of the Messan."

On this mote-hill, courts of justice were probably often held by the early Sheriffs. And the castle, commanding as it did the road into Ayrshire, was doubtless often the rallying-point whence skirmishers "in jacks, and scryppis, and bonnets of steel" issued eager for the fray.

The site of the castle was immediately behind the modern farm-house which bears its name; in digging the foundations for which, many remains of buildings were discovered, among which were bricks of very ancient manufacture. Early in the present century, unfortunately, no interest whatever was felt in local

[1] *Mote* is the correct word for a *Court*-hill, *Moat* for a place of defence.

antiquities; and the castle which then had passed by exchange into the hands of the Earls of Stair, being out of repair, its walls were deliberately used as a quarry for building-material for the neighbouring farms. As a single instance of this Vandalism, we may mention that the entire steading of Bilyett, dwelling-house and all, was raised at the expense of the ruined castle of Innermessan.[1]

In its palmy days Innermessan was famous both for boat-builders and wizards.

Once upon a time, a notorious warlock named Peter, known also as a cunning shipwright, was employed to build a boat at Ballantrae. As he busily shaped the timbers, surrounded by many lookers-on, a rider was seen descending Drumconal at a tremendous pace, and approaching the ford of the Stinchar. (This was many a day before the bridge was built.) "The laddie goes hot-foot," remarked one of the idlers. "Does he?" rejoined the seer; "he'll just bide there a bit." Peter then laid his enchantments upon him so quickly and so effectually, that the man's horse was arrested in his stride; his hind hoofs fixed firmly in the ground; his forelegs curved in a semicircle; rider and steed were rooted to the spot in such an attitude as we have been accustomed to associate with another great Peter's statue on the Neva. Then Peter of Innermessan, having gratified his audience with this interesting tableau, coolly proceeded with his work, until presently it pleased him, with a muttered "Gang yer gate!" to allow the rider to proceed upon his journey.

The fishermen of Ballantrae, superstitious like others of their calling, chuckled at the idea of the luck that must attend the

[1] Very different would have been the fate of the ruin, had it existed at the succession of the present noble proprietor. We were told by the tenant of Innermessan, that having disinterred some old bricks which had been used in some of the outbuildings of the castle, they were observed by the Earl of Stair, who happened to be passing in his carriage a few days after on his way to Edinburgh. The Earl immediately stopped and got out, examined them with great interest, and was so loath to see such curious relics of old times thrown carelessly upon the road, that he gathered up a large number, which he carried off as curiosities.

boat built by so powerful an enchanter; but their hopes were short-lived; for as the wizard received the stipulated sum into his palm, and turned to trudge homewards, he vouchsafed the unwelcome hint as to the future—"That boat will droon her fu';" and so it occurred in due course. One calm evening, the vessel, with an unusually large crew, was nearing the shore, when a sudden squall drove the party out to sea. Night coming on, no assistance could be given; and neither boat nor fishermen were ever heard of after.

Peter's doings were well known nearer home. As he was riding once into Stranraer, he pulled up at the Sandmill, to ask two women thrashing in a barn to give his horse a sheaf of corn; they turned a deaf ear to his request, upon which Peter stuck, unobserved, a little pin into the thatch above the door, and entered a neighbouring house, where, being better known, he was well cared for, and propitiated by a jug of home-brewed ale. As he sat in the doorway with his hosts enjoying the treat, he looked maliciously towards the barn where he had been rebuffed; and there the poor women toiled on, belabouring the sheaves with might and main, but not a single grain of corn could they extract from the straw; and thus perspiringly they laboured to no purpose, till the terrible man, mollified by his potations, chose at last to rise and extract the mysterious pin.

In the year 1683, as some workmen were sinking a "water-gate" for a mill at Stranraer, they suddenly came upon an ancient ship, completely embedded in the ground, and some way within high-water mark. A part of it lay under a kitchen garden, the soil covering it to a considerable depth. The discovery occasioned much surprise, but unfortunately no accurate measurements were taken. It is merely asserted that the vessel was large, and "that the boards were not joined together after the usual fashion of the barks and ships (of 1683), as also that it had nails of copper."[1] This may have been a merchantman of classic times, which had traded between some Mediterranean port and Rerigonium!

[1] Symson.

CHAPTER XXVII.

THE PERSECUTIONS.

Let never ane auld man after this
To lawless greide inclyne;
Let never an auld man after this,
Rin post to the deil for wyne.—QUEEN'S WAKE.

LADY DALRYMPLE of Stair had an only sister, Christian, who had married Thomas Dunbar, Laird of Mochrum, by whom she had issue seven daughters and an only son James. This James was at this time in possession, and had acquired great notoriety, being a man observable for his size and muscular strength; famous, also, for a rough, quaint humour; as well as for the accomplishment, then in much estimation, of being able to dispose of a fabulous number of bottles of wine beneath his belt. He was nicknamed "the Giant;" and so strongly did he impress his mark upon the age, that for long anything unusually large—were it a staff, a sword, a tappit-hen, a beer-barrel, a pig, horse, or in short any man or thing of gigantic proportions—was simply called "a Mochrum."

James Dunbar continued to live at the old family place; but his fortunes were on the decline. He was hospitably inclined, and dearly loved a good drink of claret, though his finances seldom allowed him to indulge, for he had been obliged to sell a large part of the paternal estates. These had been purchased by the second son of the Laird of Monreith; and this proceeding on his part, notwithstanding the purchase-money had been duly paid, "the Giant," with true Scottish impulse, looked upon as little short of robbery. William Maxwell, after this transaction, was designated Mochrum Loch, or usually simply "Loch;" he had previously acquired also the lands of Longcastle from Vaus

of Barnbarroch. In the year 1680, on the death of his nephew, "Loch" became Laird of Monreith; and in the course of the same year he, being then a widower, married a sister-in-law of the Sheriff's—Elizabeth, daughter of Sir Thomas Hay of Park. The following year he was created a baronet of Scotland and Nova Scotia; and in 1682, he further acquired Ardwell, Killeser, and the lands and manor-place of Myrtoun, from Sir Godfrey M'Culloch, another of the old baronage, who now fell from the position so long occupied by his family.

According to feudal custom, the principal landowners, not of the nobility, had taken rank among themselves according to the priority of their baronial tenures. In Galloway, the barons had hitherto refused to yield any precedence to knighthood; and were not inclined to give way on this point to baronets either, although to these last special precedence had been assigned by Act of Parliament. A good story is told illustrative of this:—

The Maxwells, although of an ancient and honourable house, had not the same standing as the Dunbars as Galloway proprietors. The Maxwell of the day—a rare exception in these times—was in flourishing circumstances; Dunbar's affairs were in confusion—the one was small of stature, the other so tall and powerful that his very name had become an adjective of size; the one was rich, the other poor, but proud withal—and being the oldest baron he refused to yield a single inch to the new-made baronet.

Things being so, these two met at some county festivity. Maxwell was in the act of asserting his proper precedence, when Dunbar advanced, and interposing his stalwart form between the baronet and his intended partner, roughly exclaimed, "Mochrum before Monreith." Sir William, anxious to avoid a quarrel before the ladies, good-humouredly returned, "Yes; but *baronets before barons;* and to refresh your memory upon that point, I must send you a hogshead of claret to drink my footing." "A bargain!" cried the Giant eagerly, giving way at once, his eyes glistening at the proposal; and a bargain it was. The good claret duly arrived at the old place of Mochrum, and was duly appreciated; and

when next the laird met his neighbour, not a word was said against a baronet's precedence, he walking amicably behind. Not very long afterwards, however, at a similar gathering, Sir William Maxwell was in the act of offering his hand to the lady whom his rank entitled him to escort, when he felt a huge paw fall heavily on his shoulder, and sure enough there he saw the big baron standing before him in no courteous mood, muttering, in peremptory tones, "*Mochrum before Monreith.*" Astounded at this breach of manners, Maxwell rejoined to the effect that the rules of honour as well as of decorum should have secured him from such unseemly treatment; but the Giant was not to be stayed. Pushing past Sir William, he carried off his fair prize with an air of triumph, gruffly exclaiming, by way of apology to the company, "Hout, man! *your claret's done.*"

Mochrum does duty in various forms in Galloway phraseology; besides its use as an adjective of size, the word figures in natural history. "*A Mochrum Laird*" is the local term for a cormorant, as these birds frequent the principal loch at the old place, and breed there in great numbers.

When any one is hankering after something which he cannot by any possibility expect to get, it is a Galloway joke to say, "He is like the auld Mill of Mochrum, which aye *wanted* a back door!" A mill is said to have stood there in old times abutting on the solid rock.

Again, this mill is sometimes invoked in that smart form of repartee, vulgarly called "a sell." If any one impertinently questions another too closely as to where he is going, the bore is silenced by the answer, "To the auld mill o' Mochrum."

In the year 1684 the test had gone round the shire; the curates had made out minute lists of the inhabitants of their several parishes, particularising excommunicate and disorderly persons: troopers had scoured the country to search these out. Claverhouse himself revisited the country, infusing fresh spirit into these martial apostles of the church. Yet by Symson's account (who was one of the clergy himself), all these efforts had been of little advantage to Episcopacy. Symson himself

was a very favourable specimen of the curates who had been forcibly obtruded on the parishioners. He was a man of learning, ability, and of a kindly disposition, and his own church was probably less avoided from aversion to the minister than any other in the kingdom; yet even he writes that his congregation, which at first consisted of only two or three, dwindled down *to one*; and this one was David Dunbar younger of Baldoon, whose melancholy story has been already told. Dunbar was killed by a fall from his horse, and Symson wrote another elegy on the occasion, in which occur the lines—

> "He, he alone were my parishioners,
> Yea, and my constant hearers. O that I
> Had power to eternize his memory!"

The worthy curate, evidently considering a congregation to be a noun of multitude, had some difficulty in adapting the rules of grammar to his young friend's solitary position—an individual and yet an audience!

But as an Episcopalian the young laird was singular in his own family, the rest of whom were Presbyterians, and therefore we cannot accept Symson's approving phrase—"he was no *schismatick*"—as an appropriate one, for it was he that separated himself from all his relatives in his form of worship. His sister Mary incurred severe persecution for attending the preaching of proscribed ministers. It is on record that "Mistress Mary Dunbar, second daughter to Sir David Dunbar of Baldoon, was forced to abscond and leave her father's house, and live for some time here and there, frequently in herds' houses, where she could not be accommodated according to her birth and rank. One day she very providentially and narrowly escaped the enemy's fury at the Caldons."[1]

In the parish of Mochrum the Hays of Arioland suffered severely from persecution, being ultimately ruined; the lady of the house, a Gordon of Craichlaw, was barbarously sentenced to be banished to the plantations, which meant, in other words, that she was to be sold there as a slave.

[1] Kirkinner Church-Session Records.

At last, as a new and startling stroke of policy, an order came out that *the houses of all rebels were to be pulled down.*

The majority of the heritors had before this been dragooned into taking the test. The test, it was presumed, would be the panacea for every evil, and the strongest bulwark to the throne! Yet the flimsiness of such a support ought to have been apparent to those in high places, to whom it might have occurred that when all the provinces had been tested, there was not one of the recipients who did not consider himself wholly unfettered by an oath forced out of him under bodily fear. It is useless to urge that such reasoning cannot be defended on high grounds; the Government demoralised the whole population by first breaking faith with them themselves, and then driving them up to swear against their inclinations. Our ancestors were but men.

The Sheriff and his friend Garthland consulted long and anxiously as to what was to be done. It had already been pressed upon them by their neighbours that they should represent the county in the next Parliament; and this could not be done unless the test was taken. Still they held out long, although all their brother proprietors had conformed, when the sudden announcement that their castles were to be levelled with the ground sorely tried their resolution, and at last they determined that they must just do as others.

They accordingly presented themselves on the 17th of October before the royal commissioners, who, highly elated at the news they had to tell, immediately despatched the following report to head-quarters:—

"Now Sir Andrew Agnew of Lochnaw, and James Agnew his son, William M'Dowall of Garthland, Stewart of Tonderghie, and William and David, sons to the Laird of Craichlaw . . . having compeared this day and taken the test . . . we do therefore declare that the haill gentrie and heritors within the shyre have taken the test, except Kennedy, minister in Ireland, and Mr. James Lawrie; we further declare that all the commons in the said shire who had not taken the test hes now done the

same, except six or seven qhoo are now prisoners."—Wigtown, the 17th October 1684.

The same day the Marquis of Queensberry, Lord Drumlanrig, and Colonel John Graham of Claverhouse, the royal commissioners, opened the sittings of Court in great state at Wigtown—the Sheriff, barons, and other heritors being present.

A large number of prisoners were brought before them. The manner in which they were dealt with will be seen by a few examples which we quote from voluminous records which lie before us.

"John Stewart in Glenluchok, adhering to his deposition, re-examined, and refusing to take the test is committed to the irons.

"Committed to the irons."

"Andrew Slowan in Glenluchok, solemnly sworn and interrogat, confessed accidental converse with William Kennedy, rebel. Swears never to harbour, reset, etc., in common form, and is content to take the test; and this is true, as he shall answer to God, and cannot wryte.

"Tested. (Signed) QUEENSBERRY."

"Walter Hunter in Linglosan, solemnly sworn and interrogat, confessed that Kennedy, rebel, was at his house, and drank there, within these last twelve months; swears never to harbour, reset, etc., and is content to take the test.

"Tested. (Signed) QUEENSBERRY."

"John M'Ghie in Barnkirk, solemnly sworn and interrogat, confesses his indictment *in omnibus*, and is content to take the test.

"Committed to prison. (Signed) QUEENSBERRY."

"William M'Camon in Culbrattoun, examined, confesses his indictment, and refuses the test; and being sworn whether he had taken the Covenant or not, confesses he took the Covenant at the place of the Risk about five years since, when Mr. John

Welsh preachit, and that he had a chyld baptised by the said Mr. John Welsh at the same tyme.

"Committed to the irons. (Signed) QUEENSBERRY."

"John Forsyth in Upper-Dirries, solemnly sworn and interrogat, confesses that George Stroyan, rebel, gat meat and drink at his house, but not with his consent, and is content to take the test.

"Tested. (Signed) QUEENSBERRY."

"Thomas Forsyth in Balmannoch, solemnly sworn and interrogat, confesses accidental converse with Stroyan about four years since, swears in common form, and is content to take the test.

"Tested. (Signed) QUEENSBERRY."

"William Shaland in Arioland, solemnly sworn and interrogat, confesses he saw Mr. Wm. Hay in the place of Arioland about Lammas last, where his mother dwells; swears in common form, and is content to take the test.

"Tested. (Signed) QUEENSBERRY."

"Archibald M'Cubbin in Martin, solemnly sworn and interrogat, confesses he saw Mr. William Hay wanting arms upon his own ground a fortnight before Lammas last; swears in common form, and is content to take the test.

"Tested. (Signed) QUEENSBERRY."

"Robert Herron in Arioland, solemnly sworn and interrogat, confesses he saw Mr. William Hay, rebel, in his mother's house at Arioland, in company with his mother and sister, where his brother the laird was coming and going; swears in common form, and is content to take the test.

"Tested. (Signed) QUEENSBERRY."

"Robert Ker, chapman in Stranraer, solemnly sworn and interrogat, confesses the selling of cloath to, and drinking with Gilbert M'Ghie, rebel, in September last, but that he did not

know him; swears in the common form, and is content to take the test.

"Tested. (Signed) QUEENSBERRY."

"John and Alexander M'Culloch, sons-in-law to Thomas Baylis in Ardwell, and Robert M'Culloch in Killeser, solemnly sworn and interrogat, confessed accidental converse, and eating and drinking with Gilbert M'Ghie, rebel, at Andrew Morrison's house at Auchleach, in September last, but did not know him to be a rebel or fugitive; swear in common form, and are content to take the test.

"Three tested. (Signed) QUEENSBERRY."

"Alexander Carson, servitor to Sir Godfrey M'Culloch, solemnly sworn and interrogat, depones, that he met with Gilbert M'Ghie, rebel, and had drunken with him, and that the rebel had called him 'Cussin Carson,' and that he knew the said rebel to have been at the rebellion at Bothwell, but that he considered the said rebel to be a free man in respect he was Broughton's gunner; and this all was within these five or six weeks bypast.

"Committed to prison. (Signed) QUEENSBERRY."

"John Kincaid in Chatcarroch confesses that he heard Mr. Samuel Arnot and Mr. George Barclay preach in the house of Arioland and little Aries, and that he had a chyld baptized with Mr. Thomas Kennedy, minister in Ireland. Confesses he was at the communion in Penninghame about the time of the rebellion or thereby, where Mr. John Welsh preached: And being interrogat if he counterfeited a testimonial for one Sprot, confesses he did the same, and does not deny but he received the Covenant at the communion where Mr. John Welsh preached: And being interrogat if Bothwell Bridge was rebellion, was not clear to give his judgement thereanent; and further the pass being produced judicially, he not only owned the same, but also signed it that it was the same testificat that he forged, and this he confesses judicially by his own declaration: And further confesses

that he was at the breaking of Mr. James Couper, minister at Methven-Mochrum his house, immeadiately before the rebellion seventhie-nyne.

"Committed to the irons. (Signed) QUEENSBERRY."

"Archibald Gray, skipper, solemnly sworn and interrogat, confesses that he carried in his boat Gilbert M'Ghie, rebel, fra Kildarroch to Chapel-Ross about a month since or thereby, and that he did not know him to be a rebel, and that he had not seen the fugitive well, and that M'Ghie had said to the deponent that he was a righteous man. Swears in common form, and is content to take the test.

"Tested. (Signed) QUEENSBERRY."

"Margaret Gordon, goodwife of Arioland elder, confesses resett of Mr. Wm. and John Hayes her sons; and that Mr. Samuel Arnot had kept conventicles in her house; and being interrogat if she harboured or resett any rebel or other fugitive or heard any more vagrant preacher, refuses to depone.

"Committed to prison. (Signed) QUEENSBERRY."

"John Henderson, being examined whether rebellion at Bothwell was a sin against God, answered he could not tell.

"Confesses he heard a conventikle at Edinburgh in the head of the (Stewart bow?) in the west syde of the street, a year and a half since or thereby, but refuses to depone thereupon, or in whose house it was in. And being examined if he thought the Covenant was a good cause, he answered, 'Yes, my Lord;' and that it was lawful to rise in arms against the King for that cause; and declared that he heard not a preaching in the church these two years; and judicially confesses a letter now produced which was written by him to Enterkin (indistinct); and being examined whether it was lawful to kill a bishop or a minister, refuses to declare thereanent, or to declare that the Bishop of St. Andrews' murder was a murder; and being examined if he knew anything anent Enterkin business, or if they had resceued the prisoners, declares he knew nothing thereof, but that he

wold have been glad they wold have resceued himself, and if he had been there he wold have done the same; and being sworn and interrogat anent the setting fyre to the thief's-hole door at Wigtown, depones that that night the prison was burnt he met Margaret Doual at Bladnoch water, who told him that the prisoner expected furth that night, and that he spoke with the prisoner that night before the escape.—And this to be of verity he declares judicially—

(And signs) "JOHNE HENDERSONE.

"Committed to the irons."

"William Sprot in Clontarf confesses judicially that he advised John Kincaid to counterfeit a pass to him when he was going to Ireland; and being solemnly sworn and interrogat if he converst with rebells, depones he converst with no rebels from the last circuit at Dumfries in anno 83; and being interrogat how old his last chyld was, and who baptized it, he depones that his last child is about 3 years old, and that Mr. Ross baptized it. Owns the king's authority, and disowns rebellious principles, and says he knows not what the test or oath of allegiance is.

"Committed to prison. (Signed) QUEENSBERRY."

"Margaret Milligan spouse to James Martison, and Sara Stewart spouse to William Kennedy, and Margaret M'Lurg spouse to Alexander M'Clingan, rebells,—Margaret Milligan and Margaret M'Lurg confesses the harbour of their husbands within this year and this half, but refuses to depone if they were there sensyne; the said Sara Stewart confesses harbour of her husband within this quarter of a year, and that she has a chyld of a year old unbaptized, and is content that Mr. James Cahoun baptize her chyld, and she will hold the chyld up herself; and is ordered to enact herself in common form, and find caution that the chyld shall be baptized.

"Milligan and M'Lurg committed to prison.

"(Sara Stewart) enacted."

(Signed) "QUEENSBERRY."

"John M'Haffie in Gargerie being examined anent his being at the late rebellion at Bothwell for which he stands unrelaxed in the fugitive roll for the same as yet, declares he was not at Bothwell, but that he had a son called John M'Haffie who was there, and who (was) killed upon the field, and that his name was taken for his son's, and that thereupon he was declared fugitive. Refuses the test.

"Committed to prison. (Signed) QUEENSBERRY."

We have given nineteen cases out of fifty-five which the Commissioners disposed of; many were so precisely similar that the above are a fair specimen of the whole. It is to be remarked that *fourteen of the cases were for converse with one* man, William Kennedy; that twelve persons were arrested for having held communication with George Stroyan; eleven for seeing or speaking to Gilbert M'Ghee; and seven (among others, *their own mother*) were arraigned for harbour or knowledge of John and William Hay.

The following day a Court was held in due form—

Sederunt—"William, Marques of Queensberry, Lord High Thesaurer, *preses.*
James, Lord Drumlanrig.
Colonel John Graham of Claverhouse."

And the following judgments were solemnly pronounced and entered in the record, with the signature of the preses, of which the subjoined sentences within the inverted commas following are a literal copy:—

First there were summoned:—
John Stewart in Glenluchok,
William M'Camon in Culbrattoun,
William Sprot in Clontarf,
John M'Haffie in Gargerie,

and were thus disposed of:—

"The Lords having considered the declarations and confes-

sions of the said four persons, and John Stewart's refusing to take the test, but that he would take the oath of alleagiance which he said he never would; and the said William M'Camon, William Sport, and John M'Haffie, they refusing to take the oath of alleagiance—adjudge, decerns, and ordains the said four persons to be banished to the plantations, and to remain in prison till a fit occasion be for transporting them.

"Wigtown, 17 Octob. 1684. QUEENSBERRY, *I.P.D.*"

We have then a "List of Panells within the Shyre of Wigtoun, who are found egregiously guilty of converse, etc., and are willing to take the test":—

John M'Kie in Barnkirk.
Alexander Carson, Servitor to Sir Godfrey M'Culloch.

"The Lords having considered the judicial examinations of John M'Kie and Alex. Carson, they continue the dyet against them till the third Monday of December next, before the Justice General and remanent Lords of Justiciary at Edinburgh, and they to remain prisoners in the meintyme.

"Wigtown, 17 Oct. 1684. QUEENSBERRY, *I.P.D.*"

Two of a worse lot come next, "whose crymes are extraordinary conform to their own judicial subscryvit declarations, whoe alsoe disowns the king's authoritie and approves of rebellious principles, and are secured in irons:—

John Kincaid in Chalcarrock, and.
John Henderson."

Sent for trial to Edinburgh in same words as above.

The last list occasions melancholy reflections; at the head of this stands the Lady of Arioland, a near kinsman of the House of Lochinvar. The crimes all three were charged with was converse with their own husbands and their sons.

"List of Woman Panells whoe refuse to depone anent harbouring, resetting, conversing, and entertaining of rebells, and are secured:—

Margaret Gordon, goodwife of Arioland elder.
Margaret Milligan, spouse to James Morrison, rebell.
Margaret M'Lurg, spouse to Alex. M'Clengan, rebell.

"The Lords Commissioners having considered the confessions of the above named Margaret Gordon, Margaret Milligan and Margaret M'Lurg, and they refusing to depone anent harbour, converse, etc., decerns, adjudges, and ordains them to be banished to the plantations, and to remain prisoners in the meintyme till a fitt occasion offer for that effect.

"Wigtown, 17 Oct. 1784. QUEENSBERRY, *I.P.D.*"

The Commissioners then formally signed and approved the following instructions, drawn up by their energetic colleague:—

1. The Sheriff or his deputes with Sir Godfrey M'Culloch for the Presbyterie of Stranraer, and Sir William Maxwell for the Presbyterie of Wigtown, are to get exact lists from the heritors of all the commons within their bounds, whether men or women, and are to tender the test to all the commons; and are to examine them upon oath what arms they have; and are to disarm the haill commons immediately; and to give account of their diligence to the Commissioners as to such of the commons as conceals their arms, if any shall hereafter be found out, and as to such of them as refuse to take the test; and the lists to be given in by the heritors are to be upon oath; and the Sheriff is to take an exact inventar of all arms seized on, and to secure them till the Council order how they shall be disposed of.

2. The heritors and ministers are to give in lists upon oath, to the Sheriff and his deputes, of all chaplains and pedagogues in their several bounds and parishes, and who of them have taken the test; and it's recommended to the Sheriff that as to such as have not taken the test of chaplains or pedagogues, that they take the same before the Presbiterie where the Sheriff or his deputes are to be present, and the Presbiterie are hereby empowered to

tender the test to them there or within their bounds, and such as refuse the test are to be secured.

3. The Sheriff and his deputes are presently to proceed in judging of all that are guilty of church disorders and irregularities, according to law and the several acts relating thereto, and to give exact account of their diligence to the Commissioners with all convenience.

4. The Sheriff or his deputes, with the said Sir Godfrey M'Culloch and Sir William Maxwell, are to inform themselves, by the heritors, of all persons within their bounds, whether rebells or others that have left, deserted, or fled from their houses, since April 1683, and for what cause. And to seize and apprehend the persons of all rebells, their wyves, children above fourteen years of age, of all vagabonds and loose persons who cannot give a good account of themselves; and all heretors and others are to concur with and be assisting to the putting of this act to execution, and exact diligence is to be reported to the Commissioners in relation to this article as aforesaid.

5. The Sherriff and his deputes are to cause seize and apprehend all pedlars and chapmen, and to examine them upon their principles; to order the test to them or the oath of allegiance; and to grant them passes as they shall find cause; and the commanding officers of the standing forces and other inferior officers are empowered to put this article in execution; as also the said Sir Godfrey M'Culloch and Sir William Maxwell are likewise empowered to put this instruction to execution.

6. To intimate the proclamation of safe conduct at the paroch kirk in tyme of divine service, through all churches of the Sheriffdome; and which the Sheriff is to acquaint the ministers of, and the double of the proclamation is to be sent to every minister accordingly.

7. The heretors are to inform the Commissioners of any just ground of complaint they have in relation to localities or quarterings, and what the Commissioners cannot get overtaken themselves, the same is recommended to the Sheriff and his deputes, who are to report their diligence to the Commissioners.

8. The Sheriff and his deputes are to inform the Commis-

sioners of all ladies, that have left their houses and gone to other shires since the last Act of Indemnity in July 1679.

9. The Sheriff and his deputes are to tender the test to all heretors that were absent from the courts in attending the Commissioners and were excused, and to give an account of such as refuse to take the same; and are to disarm all such heritors as refuse the test, and to be comptable for the arms of such as they seize upon.

10. The Sheriff and his deputes, as to such as refuse the test and are willing to take the oath of allegiance, they are to proceed against them for all bygone disorders, and to irregularities, and to fine them to the utmost extent in law.

11. The Sheriff and his deputes are to take care to get the hands and subscriptions of all heritors and others that are liable in the supply, to the offer and address that was made to the Commissioners at Wigtown, and whereof there is an authentic double left with the Sheriff to that effect, and to return a list of such as refuse to sign the same.

12. The Sheriff and his deputes are to receive all passes from persons that are going to Ireland, and they being satisfied therewith, are to grant new passes to the forenamed persons, which they are to direct to the collectors or waiters at Portpatrick, or to such as they will be answerable for; and all such passes are to be signed by the Sheriff or his deputes, and are likewise to be sealed, and also authentic doubles containing the exact drauft of such passes which are to be granted by the Sheriff or his deputes (which are all to be of one and same style), are to be left with the collectors or waiters at Portpatrick to whom they are to be directed as aforesaid; to the effect that the passes of all passengers that go that way for Ireland, may be compared with the passes to be granted by the Sheriff and his deputes, and whether they be true passes or not; and the said doubles that are to be left with the collectors or waiters are likewise to be sealed by the Sheriff to prevent the hazard of forging of passes as said is; and the Sheriff is to endeavour a good correspondence with Ireland, and with such as he shall think fit, and that lives upon the sea-ports there, to see this instruction made the more effectual.

13. The Sheriff and his deputes as to the wives of all such rebells, or such as for converse with rebells are banished to the plantations, the said wives are to be seized upon and proceeded against according to law, in case any crime can be laid to their charge, or in case they be innocent that they be obliged to find caution to live regularly in time coming.

14. The Sheriff and his deputes, and such as he will be answerable for, are to see the houses of all rebels pulled down, and he is to intimate this instruction to the heritors in whose bounds the said rebels live.

15. The Sheriff is to take bond from all heritors whose wives are irregular, whereby the husbands are to be obliged to produce their wives to the Lords of Privy Council upon ten days warning when called, under such penalties as are agreeable to their fortunes and estates. (Signed) QUEENSBERRY.
DRUMLANGRIG.

17th October 1684. J. GRAHAM.

Thus the Grahams "*showed the Agnews how to execute the office of Sheriff!*"

Doubts have recently been cast on the fact that penalties were incurred by *simple nonconformity*. A very slight acquaintance with the family papers of that date will entirely dispel such doubts.

Andrew Adair of Genoch—a laird of old descent but very moderate fortune—declined to attend the Episcopal service. The curate of Inch bided his time and informed against him, for having had a child baptized by a Presbyterian minister. The fact was admitted: "*For this and for* Genoch's *other nonconformity* he was fined by Sheriff Graham fifteen thousand merks." Adair's inability to meet such a sum was so notorious, that, on the Bishop of Galloway's representation, it was reduced to *five thousand merks;* but this sum the laird was obliged to pay.[1]

John M'Neal, a member of kirk-session in Glasserton parish, paid "forty dollars to Mr. David Graham for baptizing a child

[1] Adair MSS.

with a Presbyterian minister;" and Michael Hannay, another member, probably as in the former case a farmer, paid "forty pound to Claverhouse his brother, because he had a child baptized by Mr. Alexander Ferguson, a Presbyterian minister, and *got a receipt for it.*"[1]

The Lady of Monreith was sister to M'Culloch of Myrtoun, and mother of Sir William Maxwell, both of whom had shown a greater willingness to support the Government than their brother-proprietors; yet her maternal relationship to John Maxwell, the Covenanter, exposed her to suspicion, and notwithstanding the powerful influence of her Episcopal connections, she was obliged to lie in concealment, under a charge of *simple nonconformity*, and had at last to pay a "fine of a thousand merks to Mr. David Graham, brother to Claverhouse."

Robert Stewart, Laird of Ravenston, though brother of the Earl of Galloway, "was obliged to leave his house many a night and day, and go in disguise and hide himself from the fury of persecutions, he having harboured such as were persecuted; but he was at length taken prisoner himself.[1] To him Claverhouse alludes in a letter of his already quoted; but being recommended particularly by Queensberry, he was of course easily dealt with.

Examples in the most authentic shape are within the reach of all who choose to turn over the leaves of the record-book in the Sheriff's Court at Wigtown; as for instance—

"Wigtoune, Aug. 19, 1684.

"The which day Katherine Lauder spouse to Patrick M'Kie of Auchlean confest that she had *withdrawn from the church these two years bygone,* therefore the Judge fines the said Auchlean in two hundred and fifty pounds Scots.

(Signed) "DAVID GRAHAM."

In this case the husband on oath deponed "that for the space of three years she was soe unwell she was not able to go abroad." Sheriff Graham, however, was not satisfied.

[1] Records of Kirk-Session, Glasserton parish.

"Wigtoun, 20 August 1684.

"The which day John M'Gachie in Bordland upon oath deponed that he had been but seldom in ye church these two years bygone,—pretending want of health; however, he acknowledged that he made a journey to Edinburgh and went up and down ye countrey about his affaires which his son upon oath also declaired; therefore the Judge *fynes him in ane hundred pounds Scotts for his withdrawing.*

(Signed) "DAVID GRAHAM."

Surely we shall not now be told that "SIMPLE NONCONFORMITY" entailed no penalties.

In the case of Sarah Stewart, she herself was actually a CONFORMIST; yet, for refusing to swear that she would not harbour her husband (whom she did NOT harbour), or to disclose his retreat—which she had yet to discover—Sheriff Graham sent soldiers to apprehend her. These representatives of church-going and justice first unroofed her house, next burnt her furniture, then made her walk to Wigtown carrying her infant (leaving her other children unprotected), and there thrust her into prison, where she lay untried for eleven weeks, till her case was disposed of as detailed at page 413.

Many traditional stories of these days are still to be gathered in the country-side.

The Lynnes of Larg are remembered by the opprobrious term of "*Persecutors*," that is, they were the willing instruments of Government in endeavouring to enforce uniformity and in hunting out the Covenanters.

Welsh, minister of Irongray, and grandson of John Knox, was among the ejected ministers concerned at Bothwell Bridge, for whose apprehension nine thousand merks were offered. He occasionally preached on the hill-side in Galloway. On one occasion he came to New Luce, and as it was not safe for those who flocked to hear him to assemble in the open country, a tent was pitched as his head-quarters on a gorse-cover thick with briars and bramble. The Laird of Larg hearing of this, set fire

to the bushes, and though afraid to seize the preacher in the midst of his followers, as he would have wished, he rode by taunting him and exultingly exclaiming, "The old fox is burnt out!" "You have destroyed the brambles on this hill-side," answered Welsh; "beware that you do not see them rise again from the foundations of the Larg." "No fanatic rebel shall have a tent or pulpit on my estate, if I can help it," said the persecutor. "You are laird here to-day," returned Welsh, "and have refused God's minister even a small whinny spot on which to lie; God perhaps may not leave your children as much land as they could spread a tent on."

In the total destruction of the Place of Larg and the disappearance of the Lynnes from the roll of proprietors, the peasantry of Luce firmly believe that they see a prophecy fulfilled. A fine specimen of a thorough-bred Galloway cottar, from whom we gathered these stories, added that he himself had often conversed with a man who knew one of those concerned in this affair. His name was Paterson, and he afterwards lived to be upwards of one hundred years of age, and used often to say that the only act of his life which he seriously regretted, was assisting the Laird of Larg to burn the whins in which good John Welsh had taken refuge.

In the parish of New Luce lived another small laird, named Gilbert M'Meiken, of a very different stamp from Lynne. He was a Covenanter and a marked man, and was put to many shifts to avoid apprehension. Against the wall of his house of Miltonise he built a large stack of well-hardened peats, hollow in the centre, entered by a carefully-concealed aperture into which a sort of movable door, made also of peats, was fitted. Here he constructed a rude chamber in which he often lay unsuspected, sleeping on a hay-heap; and occasionally changing clothes with his shepherd, he would wander abroad to get a little air and exercise. On some such occasion, as he was driving a herd of cows before him, a party of dragoons, headed by Claverhouse himself, came so suddenly upon him that escape was impossible. With great presence of mind he restrained all show of fear, and

going straight up to the "bloody Claverse" with an air of assumed simplicity, said, whiningly, "Oh man, I'm terribly ill off for tobacco;" begging for a little piece. Claverhouse was completely deceived; he took no notice of his request; but looking sternly and searchingly at him, said, "Have you seen the laird?" M'Meiken promptly replied with perfect truth, "Oh aye! he was in the house not a minute before I left it."

Quite unsuspiciously, Claverhouse spurred his horse, and eager for his victim, galloped to the house, which his troopers instantly surrounded. Long before he arrived there, the laird was in a place of safety; but the dragoons ransacked his house, made free of his larder, and regaled themselves much to their satisfaction. The repast over, they proceeded deliberately to kill the whole stock about the premises, but as the booty was too bulky to be carried off bodily, they carefully flayed the reeking carcases and then spread out the skins to dry; these were so numerous that they literally carpeted a large piece of ground not far from the house. Geography assists to perpetuate the memory of this misdeed, as the spot is mapped down and known by the name of the "Skin Croft."

M'Meiken's wife was reputed as great a culprit as her husband, and the soldiers considered her as desirable a prize. She had not assisted at the breakfast above mentioned, but a party returning suddenly to Miltonise, surprised the good lady in her kitchen. She was in the act of making white and black puddings, the latter a dainty dish in which blood and suet are principal ingredients; one of these with an extra proportion of the liquid she tied up and secured under her dress as the troopers entered. Assuming a halting gait she begged them to use her gently, as she was suffering from a bloody flux; her entreaties had little weight, and the soldiers having satisfied their appetites, and pocketed everything worth carrying away, bound her hand and foot and mounted her behind a stalwart trooper, the smartest and most dapper of the party. Leaving little behind them "the Locusts," as they were well called, rode merrily off, intending to lodge their prize in jail. As they straggled about over the hill-side, the

lady found herself alone with her conductor, and managing to cut the string that held the pudding bag, she skilfully turned the gory current into his boot, flooding also his saddle, and sadly begriming his military overalls. The flood was at its height as they were crossing Glenkitten Fell, and the mischief was done before the dandy dragoon was at all aware of his disaster; a volley of oaths announced the discovery; his rage knew no bounds. Cursing the good woman, he rolled her like a ball from his charger, and galloped off to bewail his misfortune with his comrades. Meanwhile, the lady slipped up Glenwhillie, and when the party came together, they searched for her in vain.[1]

The commander of the party reported the circumstance to Sir Charles Hay, who, unfortunately for his popularity, had accepted the bailliary of the regality of Glenluce; afraid of appearing disaffected, he very unwillingly gave assistance in the poor lady's apprehension, which was soon after effected, and she was lodged in jail; thence she was sent to Edinburgh, and confined in the open air in the churchyard of the West Kirk in Edinburgh. The pains of premature labour coming on, she was suffered to creep into a neighbouring cellar; where, being at the point of death, the authorities were at last induced to let her go out on bail, some influential friends becoming security for her appearance to a very large amount.

[1] Mrs. M'Meiken was re-apprehended by Sir Charles Hay, sent to Edinburgh, barbarously left some time in the open air in the West Kirk-yard. Pains of labour coming on, she was confined in a neighbouring cellar, but at last was let out on bail. The Laird of Miltonise, notwithstanding the hardships he endured, lived to happier times, and died at the age of 84, in 1731.

CHAPTER XXVIII.

THE WIGTOWN MARTYRS.

> The red coats, lass! the red coats! cry the weans from off the street,
> Who knows but Clavers' evil eye may blast them if they meet?
> Nay, only Lag and Windram come; but oh, woe worth the way,
> They have gotten Gilbert Wilson's bairns in their cruel hands to-day.
>
> LAYS OF THE KIRK AND COVENANT.

CHARLES II. died in February 1685; and, on his brother's accession, a general election took place. Great as were the exertions of Sheriff Graham to secure the return of candidates acceptable to the Government, no such persons were forthcoming. On the appointed day, as Sheriff, he proceeded to the market-cross at Wigtown, and there having made due proclamation, he adjourned to the Court-house, where, to his mortification, he had only to declare that Sir Andrew Agnew of Lochnaw and the Honourable Colonel William Stewart of Castle-Stewart were duly and unanimously elected.

It must have been an ungracious duty to sign that return;—Sir Andrew he himself had superseded for opposition to the Council; and the Laird of Castle-Stewart was more than suspected of disaffection. Doubtless the words of his brother's celebrated report to the Council rose ominously to his recollection, that "there were as many elephants and crocodiles in Galloway as loyal and orderly persons!"

On their election the two new county members at once repaired to Edinburgh, and their names appear on the roll of barons present at the opening of the first Parliament of James VII. On this occasion, a representative for Stranraer (Patrick Paterson by name) appears for the first time in the list of commissioners for the boroughs.

This Parliament discussed no measure of general importance. Amongst their formal proceedings were the appointing Commissioners of Supply, those for Wigtownshire being—

The Earl of Galloway.
Sir Andrew Agnew of Lochnaw.
William Stewart of Castle-Stewart.
Sir David Dunbar of Baldoon.
Sir Godfrey M'Culloch of Myrtoun.
Sir James Dalrymple of Stair.
Sir Charles Hay of Park.
Sir William Maxwell of Monreith.
Sir James Dunbar of Mochrum.
Patrick M'Dowall of Logan.
Robert Stewart of Ravenston.
William M'Dowall of Garthland.
John Vaus of Barnbarroch.
James Gordon of Craichlaw.
James Agnew younger of Lochnaw.
Andrew Agnew of Sheuchan.
Gilbert Neilson of Craigcaffie.
J. Stewart of Phisgill.
John Blair of Dunskey.
William Coltran, Provost of Wigtown.
John Stewart of Tonderghie.
John Ferguson of Dowalton.

The session was soon concluded, and the two colleagues returned to Galloway to hear of an atrocity committed on the retainers of one of them (Colonel Stewart), of which six generations have not sufficed to obliterate the recollection. Among the few gentlemen of the West who are ranked as persecutors was Sir Robert Grierson of Lagg, who, leaving Dumfriesshire, in an excess of zeal came to assist Sheriff Graham in the exercise of his authority, and took a prominent part in the famous drowning of two women upon Wigtown sands, who are known, *par excellence*, as the Wigtown Martyrs.

We give the story simply as it stands in the session records of the parish of Penninghame, written twenty-six years after the tragedy took place, with the view of preserving the tale as it was then popularly told, and when many actual eye-witnesses of the deed were still alive.

"Gilbert Wilson in Glenvernoch, in Castle-Stewart's land, being a man to ane excesse conform to the guise of the tymes, and his wife without challenge for her religion, in a good condition as to worldly things, with a great stock on a large ground (fit to be a prey) was harassed for his children, who would not conform. They being required to take the test, and hear the curats, refused both, were searched for, fled, and lived in the

wild mountains, bogs, and caves; their parents were charged on their highest peril that they should neither harbour them, speak, supply them, nor see them; and the country people were obliged, by the terror of the laws, to pursue them, as well as the soldiers, with hue and cry.

"In February 1685, Thomas Wilson of sixteen years of age, Margaret Wilson of eighteen years, Agnes Wilson of thirteen years, children to the said Gilbert, went secretly to Wigtown to see some friends, were there discovered, taken prisoners, and instantly thrust into the Thieveshole as the greatest malefactors, whence they were sometymes brought up to the Tolbooth after a considerable tyme's imprisonment, where several others were prisoners for the like cause; particularly ane Margaret M'Lachland of Kirkinner paroch, a woman of sixty-three years of age. (The session records of Kirkinner add to that statement, that she was taken off her knees in prayer and carried to prison.)

"After their imprisonment for some considerable time, Mr. David Graham, Sheriff, the Laird of Lagg, Major Winram, Captain Strachan, called ane assize; indicted these three women—viz., Margaret M'Lauchland, Margaret Wilson, Agnes Wilson, to be guilty of the rebellion at Bothwell Bridge, Airdsmosse, twenty field conventicles, and twenty house conventicles; yet it was weel known that none of these women were ever within twenty miles of Bothwell or Airdsmosse; and Agnes Wilson *being eight years of age* the time of Airdsmosse, *could not be deep in the rebellion then*, nor her sister of thirteen years of age, and twelve years at Bothwell Bridge its time. The assize did sit, and brought them in guilty; and the judges sentenced them to be tyed to palisadoes fixed in the sand, within the flood-mark of the sea, and there to stand till the flood overflowed them, and drowned them.

"They received their sentence without the least discouragement, with a composed smiling countenance, judging it their honour to suffer for Christ's truth, that he is alone King and Head of his Church. Gilbert Wilson foresaid got his youngest daughter, Agnes Wilson, out of prison, upon his bond of ane hundred pound sterling, to produce her when called for after the

sentence of death past against her; but was obliged to go to Edinburgh for this before it could be obtained. The time they were in prison no means were left unessayed with Margaret Wilson to persuade her to take the oath of abjuration, and hear the curats, with threatenings and flatteries, but without any success.

"Upon the 11th day of May 1685 these two women Margaret M'Lachland and Margaret Wilson was brought forth to execution. They did put the old woman first into the water, and when the water overflowed her, they asked Margaret Wilson what she thought of her in that case. She answers 'What do I see but Christ wrestling there, think ye that we are the sufferers? No, it is Christ in us, for he sends none a warfare at his own charges.' Margaret Wilson sang Psalm 25 from the 7th verse, read the 8th chapter of the Epistle to the Romans, and did pray, and then the water covered her. But before the breath was quite gone, they pulled her up and held her till she could speak, and then asked her if she would pray for the king. She answered that she wished for the salvation of all men, the damnation of none. Some of her relations being on the place, cried out she is willing to conform, being desirous to save her life at any rate. Upon which Major Winram offered the oath of abjuration to her, either to swear it or to return to the water. She refused, saying, 'I will not, I am one of Christ's children, let me go,' and then they returned her into the water where she finished her warfare, being a Virgin Martyr of eighteen years of age suffering death for her refusing to swear the oath of abjuration and hear the curats."

That there are inaccuracies in this simple account is very possible; but it is certainly correct in the main. Tradition is strong, clear, and unvarying upon the chief points. There are many episodes attaching to the tale, which no doubt are very absurd, yet the fact of their being firmly believed in an age when *miraculous judgments were expected to follow crime*, is an additional proof of the *notoriety of the drowning scene*. Of such are the following:—

One of the constables who fastened the women to the stakes was called "Bell;" he had shown himself very unfeeling, and

when asked afterwards how the poor creatures behaved on the awful struggle when the sea roared and foamed about them, answered jocularly, "*Oh, they just clepped roun' the stobs like pørtons, and aye prayed.*" Soon after Bell's wife was brought to bed, when the houdie exclaimed, "*The bairnie's clepped!*" that is, the fingers grew firmly together. Another child was born, and yet another, and another, and as each little wretch in turn was *clepped*, the most incredulous became convinced of the reality of the judgment. There are persons in Wigtown, still alive, who will assure the inquirer that they have seen descendants of this family afflicted with the hereditary deformity. And more, we have been gravely assured that a distant female relative in the county, in whom the curse appeared to have worn out—she not being clepped herself—removed to a distant parish, and there, not long ago, giving birth to a child, was greeted by the same unwelcome cry, "The bairnie's clepped!"

A similar tradition tells that another town-officer, a sergeant, who was an active party at the execution, helped to raise up the half-drowned women to receive a useless offer of the test, and that on their refusal he pressed their heads down again with his halbert, crying, with savage glee, "There, tak' another drink o't, my hearties!" He returned safe from the murderous job, but troubled by an extraordinary thirst; he drank, but his thirst was unquenchable. If going an errand, his unnatural craving obliged him to carry a huge pitcher on his back; if he crossed a stream, even before ribald companions, he was irresistibly impelled to kneel down, and like the men chosen by Gideon, to lap water like a dog. Medicine was tried but with no effect. As the wretch wandered about the country bearing his retributive burden; now turning to curse a group of urchins who would follow to mock his sufferings; now sprawling to moisten his swollen tongue in the filthy gutter; even his old associates shrank from him with horror, while the people, who had sympathised with his poor victims, pointed him out as the example of a man who had directly dared the vengeance of Providence, and whose eternal sufferings had begun.

The name of the man by whose information the women were arrested is remembered, and his memory execrated still; his descendants are reduced to poverty; not long since one of them, getting into an altercation with a person in Wigtown, was thus taunted publicly—"I wadna like to have had a forbear who betrayed the martyrs; I wadna be com'd of sic folk!"

In Wigtown churchyard stand three tombstones; on them are these inscriptions:—

Front of Tombstone No. 1. Erect.

HERE LIES MARGARAT LACHLANE
WHO WAS BY UNJUST LAW SENTENCED
TO DYE BY LAGG STRACHANE WINRAME
AND GRAME AND TYED TO A STAKE WITH
IN THE FLOOD FOR HER*
ME MENTO MORI
* ADHERENCE TO SCOTLAND'S REFORMATION
COVENANTS NATIONAL AND SOLEMN LEAGUE
AGED 63. 1685.

SURNAMED GRIER.

Tombstone No. 2. Horizontal on four legs.

HERE LYES MARGRAT WILLSON
DOUGHTER TO GILBERT WILLSON
IN GLENVERNOCH WHO WAS
DROUND ANNO 1685
AGED 18

LET EARTH AND STONE STILL WITNESS BEARE
THEIR LYES A VIRGINE MARTYR HERE.
MURTHER'D FOR OWNING CHRIST SUPREAME
HEAD OF HIS CHURCH AND NO MORE CRIME
BUT NOT ABJURING PRESBYTVRY,
AND HER NOT OUNING PRELACY
THEY HER CONDEM'D BY UNJUST LAW
OF HEAVEN NOR HELL THEY STOOD NO AW
WITHIN THE SEA TY'D TO A STAKE
SHE SUFFERED FOR CHRIST JESUS SAKE
THE ACTORS OF THIS CRUEL CRIME
WAS LAGG. STRACHAN. WINRAM. AND GRHAME.
NEITHER YOUNG YEARS, NOR YET OLD AGE
COULD STOP THE FURY OF THERE RAGE.

(As also)

Tombstone No. 3. Erect.

ME MENTO MORI.
HERE LYSE WILLIAM JOHNSTON JOHN
MILROY GEORGE WALKER WHO WAS WITH
OUT SENTENCE OF LAW HANGED BY MAJOR
WINRAM FOR THEIR ADHERENCE TO SCOT
LANDS REFORMATION COVENANTS NATION
AL AND SOLAM LEAGWE
1685.

At the time that Mr. Wodrow was writing his well-known book, a daughter of "Margarat Lachlane" still survived, and she told the Rev. Mr. Campbell, minister of Kirkinner, that in a

dream she had seen her mother standing at the market-cross in the same dress she had worn when she was drowned; this he communicated at once to Mr. Wodrow. But what does this prove? asks the modern sceptic. It proves at least this—that neither Mr. Campbell himself, nor Wodrow, well versed in Galloway tales, nor the daughter, *entertained any doubt whatever as to the drowning* having occurred. The circumstance was a matter of fact, as well established at the time as the history of the Revolution of 1688, although suddenly to find *legal* proof of it is a difficult matter. Such doubts might be raised about anything at a distance of time of 200 years, by persons unacquainted with the locality. A valued correspondent, deeply versed in traditionary lore, and well read in Galloway history, thus writes:—

"Mr. Napier having raised doubts as to whether these two women were drowned or not, I was induced to make inquiries of old people, whether they had ever heard of any one who had actually seen the women drowned. I was told by Miss M'Kie, an old person in Wigtown, that Miss Susan Heron had told her that her grandfather was on Wigtown sands on the day they were drowned, and that his very words were—'The hail sands war covered wi' cluds o' folk, a' gathered into clusters here and there, offering up prayers for the two women while they were being put down.'

"These Herons are an old race in the district. However, to make sure that the above story could be true, I examined their gravestones in the old churchyard at Penninghame, and there I found that Miss Susan Heron died 19th February 1834, aged 87 years, and that her grandfather, James Heron, died 31st October 1758, aged 94 years, showing he was twenty years of age when the women were drowned."[1]

A very old man in Wigtown was lately asked what he thought as to the possibility of these most startling passages in his county's history being untrue after all. "Weel, weel!" he replied, with perfect simplicity, "they that doubts the droonin'

[1] Letter from Mr. Broadfoot, West Mains of Baldoon, to the author; 1862.

of the wemen, may as weel doubt the death of the Lord Jesus Christ."

Mr. Mark Napier, the warm admirer of Claverhouse (who he bombastically calls the *Great* Dundee)! and the vilifier of those who contributed to bring about the "glorious Revolution of 1688"—assumes as his premises that implicit reliance may be placed on all Claverhouse's writings and despatches, whilst all Whig and Presbyterian authors are to be utterly disbelieved. Hence he not only doubts the drowning of the women upon Wigtown sands, but he doubts every tale or incident at variance with his preconceived ideas. As an instance how an earnest man may bring himself to doubt almost anything—incredible as it may appear, Mr. Napier *doubts whether* "*the boot*" (the most dreaded of all tortures) *hurt so very much after all!* That we may not misstate him, we copy his own words:—

"The boot used in Scotland was not made of iron but of staves of wood clumsily put together. Sometimes a thin leg escaped suffering. The Scotch boot was a mere flea-bite compared to the iron embrace of the English scavenger's daughter."

Comment on this would be ridiculous! Satisfactory as it would be to believe that many good men suffered little from the boot, and that the two poor martyrs died peaceably in bed, ordinary mortals cannot by a mere volition of the will believe only that which happens to be convenient. Mr. Napier's doubts are about as likely to influence opinion in Galloway as are the subtler scepticisms of Bishop Colenso. Hard words cannot demolish faith in the unbroken tradition of 200 years; as to which most persons will be disposed to agree with the shrewd saying of Lord Hailes, that—"A lie may live for a day or a year, but it will hardly pass from father to son for near a century."[1]

[1] Mr. Napier is certainly not choice in his language. We firmly believe that the terrible Claverhouse would have written of those who differed from him in far more courtly phrase. According to Mr. Mark Napier, Cameron and Cargill are "those brandy saints," and "Camerons and cut-throats;" Cameronians "truculent things." Scots Worthies is "a low and vile compilation;" The Cloud of Witnesses "fanatical rubbish;" Wodrow "a knave," "a fool," "a vulgar glutton of coarse and canting gossip," "an idiot;" and Wodrow's writings

Another retainer of Colonel William Stewart was subjected to very severe persecution, and we give an abridgment of his melancholy story, because it throws some light upon the

classed with Bishop Burnet's, are "the sink of Burnet and common sewer of Wodrow." Macaulay and the learned Dr. M'Crie are both treated as beneath contempt, any facts adduced against Claverhouse being "*the bitterest Whig calumnies that ever blistered history with the malignity of fanatical falsehood.*" Sir John Dalrymple is "that unprincipled ruffian and jail-bird;" Presbyterian ministers, "Covenanting bullies;" Presbyterian sources of information, "the stews and gutters of fanaticism;" those who hailed the coming of William III., "scoundrels," etc.; whilst Claverhouse—who, "wherever the Scottish race is settled on the face of the globe," according to Macaulay, is "remembered with a peculiar energy of hatred"—according to Mr. Napier is "the noblest and purest character that adorns the annals of Scottish history." There is no accounting for tastes!

Since these pages were written, an old session book has been discovered in the manse at Wigtown, containing an entry having a very important bearing on this case; it is as follows:—

"1704. At Wigtown, July 8th.

"Post preces sedt the Minister (Mr. Thomas Kerr), Elders, and Deacons.

"This day Baillie M'Keand, Elder in Wigtown, addressed this Session for the priviledge of the Sacrament, declaring the grief of his heart yt he should have sitten on the sieze of these women who were sentenced to die in this place in the year 1685, and yt it had been frequently his petition to God for true repentance and forgiveness for yt sin.

"He being removed, and the Session enquiring out this affair and the carriage of the sd Baillie since yt time, and being satisfied with his conversatn since, and the present evidences of repentance now, they granted him the priviledge; he was called in, admonished and exhorted to deliberation and due tenderness in such a solemn address to God."

Most impartial persons will agree in the remarks made by the *Scotsman* upon this discovery, that

"It seems extremely improbable that the *mere condemnation, if followed by a pardon or release,* would have lain so heavy for nineteen years on the conscience of a Wigtown baillie of 1704."

In the same book is an "Act of the Kirk Session of Wigtown anent a parochiall fast," January 23, 1758; which, in giving reasons for fasting and prayer, enumerates among the sins of the late unhappy times which have not been "throughly searched out, laid to heart, and mourned over . . . the persecuting, imprisoning, racking, shooting, hanging, *drowning*, beheading, and banishing at pleasure such as adhered to the truths of God's Reformation and Covenants, and refused to prostitute their tender consciences by conformity unto the common courses of the times."

meaning of the sentence we have more than once had to register, "*to be banished to the plantations.*"

Gilbert Milroy was a farmer in Kirkauley, on the Castle-Stewart estate, in the parish of Penninghame, and was one of 190 Scottish prisoners given as a right royal gift by James II. to Sir Philip Howard.

The Earl of Home was in the neighbouring parish of Minigaff with the Merse militia, and Gilbert Milroy, his brothers, and other prisoners, were brought before him. Their nonconformity was probably admitted, but they refused to give information against others, although tortured by the insertion of lighted matches between their fingers; and for six days, though threatened repeatedly with death, they continued firm. They were then tied together two and two, and marched to the church of Barr in Ayrshire, where they were again examined by Major-General Drummond, and with similar result. They were next imprisoned in Holyrood House in Edinburgh. Mrs. Milroy meanwhile waited upon Mr. James Colquhoun, curate of Penninghame, and in return for the gift of a sheep, he with seeming kindness gave her a letter, which he said was in her husband's favour, with which she hurried to the capital. In this letter, however, the curate denounced Milroy as disloyal and rebellious; he was therefore sentenced, like the others, to lose his ears, and *to be banished for ten years.* Gilbert saved his ears, as the surgeon certified that he was in a dying condition, but the ears of the others were actually cut off. The prisoners were shipped for Port Royal in Jamaica, being tied together six and six. They were thrust below deck, and there two and two fastened together to the number of one hundred and ninety. On landing at Port Royal after ten days' imprisonment, they were *sold for Sir Philip Howard's benefit.* Gilbert Milroy was at first cruelly treated by his master, especially for objecting to work on the Lord's Day; and on one such occasion his master drew his sword, and had well-nigh killed him; his conscientiousness, however, was ultimately appreciated, and he at last became an overseer. Owing to this he was in a position to take ad-

vantage of the change of affairs at home, and regained his liberty at the expiry of his sentence, which few of his fellow-convicts were able to do. He returned to Scotland, carrying with him the esteem of his late master for his fidelity, and was alive, and an elder in Kircowan parish in 1710, when his interesting narrative was written down. It may be of interest to state that Colonel William Stewart is represented by General J. E. B. Stewart, the dashing cavalry commander of the American Confederate States (there spelt Stuart), whose immediate ancestor was Alexander, son of the last Laird of Castle-Stewart.

Meanwhile the muster-roll of the family of Lochnaw had been increased by the birth of several daughters at Innermessan; and on the shortest day in 1687, the worthy knight of the shire was gratified by tidings of the birth of his eldest grandson. This child, who eventually became a lieutenant-general, is, under the name of old Sir Andrew, the hero of innumerable fireside stories among the Galloway peasantry.

Sir Andrew Agnew visited his Irish estates in 1688. The difficulty here always seems to have been to realise any rent at all—a state of things rendered the more disagreeable from the fact of the impoverished circumstances to which his Galloway tenantry were generally reduced.

Shortly before embarking on this tour of inspection, the good gentleman addressed the following peremptory letter to his agent:—

"Patrike, I wrott to you ye last weeke with Agnes M'Culloch which I am confident cam to your hand. And having ye opportunity of yis bearer I thought fit to put you in mynd that you would be careful y^{t} my paines in coming to your countrie may not be in vaine.

"I purpose to be over about the beginning of ye next month. If I find ye people hath made any provision for me, they may expect what courtesie I can give them. If my journey be in vaine through their negligence, I must take some other course.

"I shall not speake of any oyr thing till I cum, but bid you farewell, quho am, your loving friend,

(Signed) "ANDREW AGNEW.

"For Patrick M'Charlie, (?)
Killwaghter." 4th September 1688.

CHAPTER XXIX.

GRAND CONVENTION OF 1689.

Here's timmer that's red at the heart,
Here's fruit that is sound at the core;
May he that would turn the buff and blue coat,
Be turned to the back o' the door.—BURNS.

THE winter of 1688-9 was a season of no little anxiety in Great Britain. The baronage of Galloway instinctively armed their retainers, and met more than once to consider what course it was most expedient they should pursue. Sheriff Graham no longer presided at these meetings: warned by the signs of the times he prudently departed, and appeared no more upon the scene; whither he went none seem to have cared to inquire. The Wigtownshire barons called out the yeomanry on their own responsibility, of which they appointed the Laird of Logan to be captain, with the young Laird of Lochnaw for his lieutenant.

The successes of the Prince of Orange enabled him soon to establish a provisional government, and early in February a summons was issued for a Convention of Estates to assemble at Edinburgh.

The writs arrived in Wigtown addressed to the Sheriff-clerk, ordering the election of two barons to represent the shire, and of one commissioner for each of the royal boroughs to take part in that convention. The Wigtownshire barons met in pursuance of the writ of summons, and early on the 5th of March they arrived at the county town, and, accompanied by their retainers, swarmed in martial groups round the market-cross.

At twelve o'clock they all proceeded to the court-house, and the clerk having read the prince's letter, dated from St. James's,

as his authority for convening the meeting, called upon the barons to elect a chairman; thereupon Sir Andrew Agnew was chosen preses, and the proceedings began. A discussion then arose as to whether the commissioners were to be given definite instructions in such an unusual crisis of the public affairs, or whether they should be sent to the convention entirely unfettered, each to act as he himself thought fit.

This question was put to the vote in the form of "*limit*" or "*no limit*," when "*limit*" was declared carried by twenty votes to six.

A debate then ensued as to whether these instructions should be drawn out forthwith, or whether the election should be proceeded with first, and the instructions be considered afterwards. The preses put the question—"*election*" or "*instruction?*" upon which sixteen voted "*instruction*," and there were thirteen voices for "*election*," whereupon the instructions were ordered to be immediately drawn out.

Richard Murray of Broughton meanwhile entering a formal protest against any "limited commission as unusual in like cases, and not allowable by law."

"Nevertheless, the barons did by plurality of voices propose and lay down instructions to the commissioners as follows:—

"1. That they should act or do nothing prejudicial to moderate Presbyterian Government.

"2. That they should be instrumental and forward to procure that the whole grievances of the kingdom be reversed, and particularly not to condescend to arbitrary government or absolute power.

"3. That they should endeavour to get an ease of the public burdens already imposed upon the kingdom, if it lay in their power.

"The which instructions were judicially recommended to the commissioners, but were not signed or subscribed by either the barons or the commissioners who were afterwards elected.

"All persons not convened were hereupon summoned to withdraw, and the election began. The roll was called over by

Alexander Agnew, the Sheriff's clerk, which was as follows (two or three names have been lost):—

Sir Andrew Agnew of Lochnaw.
Laird of Garthland.
Magistrates of Stranrawer (1 vote).
Laird of Dunskey.
Laird of Freuch.
Laird of Logan.
Laird of Kinhilt (absent).
Laird of Logan, yr.
Laird of Craigcaffie.
Laird of Croach (Agnew).
Archd. M'Kie of Drumbuy.
Laird of Castle-Stewart.
Archd. M'Kie of Myrtoun.
Laird of Craichlaw.
Laird of Wig (Agnew).
Sir Godfrey M'Culloch of Myrtoun-M'Culloch.
John Gordon of Grange.
Laird of Torhouse.
Thos. M'Kie of Barrawer.
Patrick M'Kie of Auchleand.
Laird of Mochrum (Mochrum Park).
Sir William Maxwell (Mochrum Loch).
John Gordon of Cairnfield.
Laird of Barnbarroch.
John Stewart of Fisgall.
The Sheriff yr. (James Agnew yr. of Lochnaw).
James M'Culloch of Killeser.
Laird of Broughton.
William Gordon of Culvennan.
Laird of Sheuchan (Agnew).
Sir James Dalrymple of Stair (ab.)
David Chalmers of Eldrick.
. . . Clone.

"The roll of electors being over-read and called by me the said Alexander Agnew; compeared William M'Dowall of Garthland, one of the said barons, and craved that the Act of the third Parliament of King Charles II. concerning elections might be read; which being done, the said William protested against John Gordon of Cairnfield, and William Gordon of Balmeg, heretors of the lands of Torhous Muir, in respect neither of them nor their predecessors have been infeft in the said lands these many years. And sicklyke protested against John M'Chrysten of Munkhill, craving vote for the lands of Clone, in respect he was not in possession of the said lands, and at least gif he were infeft he was now become a tenant paying rent for the same.

"Likeways the said William M'Dowall of Garthland protested against Patrick M'Kie of Auchleand. Whereupon Richard Murray of Broughton protested that no objection might be made against any person who had lands in possession of the extent allowable by law, and that such person being Pro-

testant may vote without any other limitation, conformably to the Prince of Orange his letter ordering the present election."[1]

Upon which the Laird of Garthland protested against the Laird of Broughton's own vote, and moved that his vote be taken "*cum nota*," to be considered by the Convention of Estates. Sharp recriminations ensued—Richard Murray replying that the election was free; and moved that Garthland's vote be also marked for further consideration.

Which little quarrel ended, "The whole electors proceed in election, who by the plurality of voices did elect Sir Andrew Agnew of Lochnaw and the said William M'Dowall of Garthland to be Commissioners of the said Convention of Estates, and judicially did subscribe a commission to them for that effect at the court table in the Tolbooth of Wigtown."[1]

Whilst the majority were subscribing this commission, a powerful minority proposed "that a commission be drawn to Sir Andrew Agnew and Sir John Dalrymple," which they proceeded to carry into effect (although the Laird of Garthland, on being informed of it, protested against their doing so); when the votes, by order of the chairman, were taken by the clerk.

An injudicious friend had proposed Castle-Stewart also as a candidate, who, however, did not find much favour with the electors, the votes standing thus (copied literally from the record)—

Sir Andrew Agnew	IIIIIIIIIIIIIIIIIIIIIIIII	(27)
Garthland	IIIIIIIIIIIIIIIIIIII	(21)
Sir John Dalrymple	IIIIIIIIIII	(13)
Castle-Stewart	I	(1)

"Whereupon Lord Garlies, Murray of Broughton, Dunbar of Mochrum, and the Laird of Garthland, craved instruments" (that is, asked for copies of the proceedings), which were ordered to be furnished to them; and the meeting separated.

Sir John Dalrymple, having been unsuccessful as a candidate for the county, offered himself to the electors of Stranraer; for which borough he was returned. The fact is notable as being

[1] Sheriff's Court Records at Wigtown.

the first instance (in Galloway) of *a baron of the first class sitting as a burgess.* After the Revolution, parliaments having a more defined power, serving as a member for any constituency began to be regarded as a privilege, and men of position who could find no opening in the counties, became candidates to sit as borough members. From this time the old feudal distinction between barons and burgesses became less and less marked in parliamentary usages, until at last the whole ceremonies of Riding the Parliament, in which more honourable places and costumes were allotted to one body than to the other, were entirely discontinued.

The week following their election, Sir Andrew Agnew, Sir John Dalrymple, and the Laird of Garthland, rode into Edinburgh; and here they met their venerable friend Lord Stair, who, after a seven years' probation of exile and disgrace, was again a prominent man.

The famous Convention of Estates of 1689 assembled on the 16th of March. The rolls were called, and the members signed their names; in the rolls of the barons are the signatures, "Andrew Agnew," and "William M'Dowall;" and amongst those of the burgesses are "John Dalrymple," "William Coltran," and "Patrick Murdoch," for Whithorn, Wigtown, and Stranraer. A fac-simile of this document is given in the edition of the Statutes published by the Record Commission. This roll in a great measure represents those who secured Scotland's civil and religious liberties; there are, however, certain incongruities in it—for instance, among the nobles we find "Dundee;" he had signed it before he understood the spirit of those with whom he was acting, and he himself would most assuredly not have wished to be handed down to posterity in such company.

This Convention at once committed themselves to insurrection, and went to business with a will. Royalists and rebels had now changed places; the term "loyal" had a new definition. The Estates next declared the throne vacant (Viscount Dundee's place before this had been observed to be vacant too!) and passed an Act for putting the kingdom in a posture of defence.

A proclamation was issued that, "In respect of the present exigence, all heretors in each shyre should come out with their best horses and arms to places of rendezvous." The Wigtownshire troop of yeomanry were ordered to remain for the present at Glenluce, and the commissions of their officers were formally confirmed. (The Laird of Logan, captain; the young Laird of Lochnaw, lieutenant; the Laird of Craichlaw, cornet.)

All friends of the Protestant cause were called upon to exert themselves to raise troops in case of necessity; and in Wigtownshire Sir Andrew Agnew, Sir John Dalrymple, Sir William Maxwell, Sir James Dunbar, Sir Charles Hay, and the Lairds of Garthland, Barnbarroch, Castle-Stewart, Sheuchan, Dunskey, and Dunragit, were named Commissioners to determine all differences that might arise in officering the militia, and to appoint the captains and subalterns of the foot, and the subaltern officers of horse.

James II. being now looked upon as a Papist, there was some alarm felt in Galloway lest a Roman Catholic invasion from Ireland should be attempted; and the subject being introduced in Parliament, "The young Laird of Lochnaw was appointed a Commissioner, to lay an embargo on all Irish vessels found in Galloway ports, and also to prevent any Scotch vessels from sailing to Ireland for the present." His commission bore—

"The Estates hereby give James Agnew younger of Lochnaw full power, warrant, and commission to seize any ship, berlings, barks and boats on the coast of Wigtown," etc.; and soon after, the Estates were pleased to "add Blair of Dunskey, and M'Dowall younger of Logan, to the young Laird of Lochnaw," "to assist him in securing the said vessels."

A warrant was at the same time given to sheriffs and their officers, and to all borough officials, "to get up the public arms thereto belonging, whenever they can be had;" and a special committee, consisting of the Earl of Crawford, Lord Ruthven, Sir Andrew Agnew, Blair of Blair, Sir Charles Halkett, and Provost Muir of Peebles, was appointed "to enquire after the public arms, and draw up a report."

An Act was pased, restoring Sir Andrew to his jurisdiction.

"The Estates of the Kingdom having taken into their consideration that Sir Andrew Agnew of Lochnaw, being Heritable Sheriff of the Shyre of Wigtown, was wrongouslie and summarily and without order of law removed from being Sheriff of that shire in the year 1682, and John Graham of Claverhouse now Viscount Dundee nominat in his place and David Graham his brother: Therefore the Estates do hereby repare and restore the said Sir Andrew Agnew in his said office of Sheriffship as fully and freely as he and his predicessors Sheriffs of Wigtown did formerly enjoy the same."[1]—April 25, 1689.

The same day the Estates nominated Commissioners of Supply. They were the same as those already named for regulating the militia, with the addition of Lord Garlies, Patrick Heron, John Stewart of Physgill, M'Culloch of Grange, the Laird of Craichlaw, and John Vallange of Possils. Here we see the whole baronage of the county represented; yet it does not appear that any one of these gentlemen declined to act, on the score of loyalty, or of *having taken the test*, although the duty imposed upon them was to raise a four months' supply, to arm the county in opposition to King James. Every one of them *had been tested!*

The horsemen raised for the service were ordered to be provided with arms and furniture, to the value of at least £5 sterling, and their horses to be worth at least £10 sterling (£120 Scots).

Sir John Dalrymple was, with two others, selected to proceed to London, on the 5th of June, to make the formal offer of the Crown of Scotland to William and Mary.

Meanwhile, the Sheriff must have spent much of his time in

[1] "The people of Galloway warmly concurred in the change of Government, and as a reward for their zeal the Convention of Estates restored Sir Andrew Agnew of Lochnaw to the hereditary office of Sheriff of Wigtown. He had been deposed from his office owing to his principles and the countenance he gave to field conventicles, for the rulers of the land could not tolerate such conduct. He therefore became a marked man, and on his refusing the test he was superseded."—*Mackenzie.*

the saddle, as although we find him present in his place in Parliament on all the occasions we have mentioned, his name is constantly to be found in the Sheriff's record-book at Wigtown, where he had also duties to perform.

The last entry signed by William Coltran, Sheriff-depute under the Grahams, is 26th February 1689. The Sheriff's own signature appears in the book on the 16th of May. William Coltran's deputation ceased, and the Sheriff appointed "William Moir, and Patrick Heron to be conjunct Sheriff-deputes during the said Sheriff his pleasure."

At the Michaelmas head court, the Sheriff having first fined the Lairds of Freuch, Mochrum, Craigcaffie, Myrtoun-M'Kie, Torhouse, Broughton, and Galdenoch, fifty pounds Scots each, for non-attendance, "It was by the Sheriff and barons taken into consideration, that many tenants, sub-tenants, cottars, servants, and others, are daily attempting to go to Ireland, and to desert the service and charge committed to them, they consequently prohibit them to go to Ireland without passes from the Privy Council, the Sheriff of the shire, or their own masters; certifying that each contravener shall be apprehended by the Sheriff and his Deputes, and the Collector at Portpatrick, and incarcerate till he find caution. (Signed) ANDREW AGNEW. PAT. M'DOWALL. GALLOWAY. VAUS OF BARNBAROCH."

While the Sheriff was thus performing his civil and parliamentary duties, and his eldest son was acting both as a yeoman and a commissioner in various branches of the public service; his youngest son Thomas, and his two kinsmen, Andrew and Thomas Agnew of Croach (or Lochryan), had all three been appointed officers in the Royal Scots Dragoons—or, as they were after popularly called, the Scots Greys—and were actively engaged in the Highlands against James' partizans, who were ably commanded by Dundee.

The battle of Killiecrankie set at rest any fears that might have been latent in Galloway, as to the possibility of the return of Claverhouse on his old track.

A singular coincidence occurred in connection with his death. On the very day of the battle, Mr. Michael Scott mounted his pulpit in Anwoth, and warming with his subject as he alluded to the aspect of political affairs, he suddenly exclaimed: "Some of you, perhaps, will say, What news, minister? What news about Claverse? Claverse who has done such mischief in this poor country? . . . . As the Lord liveth, he shall be cut off this day;" adding with increasing excitement—"I see them; I see them scattered and flying. Be not afraid. As the Lord liveth, I see Claverse; I see him lying a corpse."

Posts were long of coming and irregular in those days; but in due time every word that Mr. Scott had said was confirmed to the very letter; on the day, and almost at the hour indicated, Dundee had received his mortal wound. No wonder the whole countryside thought that the mantle of Michael Scott the wizard had fallen on his namesake!

In the minute-book of the burgh of Stranraer we find that (10th May), "Conforme to the Act made by the Convention of Estates for electing of the Magistrates and Counsellors of Stranrawer, Sir Andrew Agnew of Lochnaw and William M'Dowall of Garthland met for seeing the said Election orderly proceeded with;—and ordaynes the whole habile burgesses to meitt att ten o'clock on Monday next being the 13th May, each person to give in his vote for Magistrates and Counsellors in wryt and subscribed with his awen hand."—On which day they accordingly all were sworn, and gave their allegiance to the Government of the Revolution.[1]

In June 1690 the Sheriff received the melancholy tidings of the death of his young soldier son. A brother subaltern, no doubt a Galloway man, Lieutenant Stewart, wrote an account of

[1] There is an entry in the minute-book just before:—

"16*th April*, 1689.

"Hew Montgomery, late Provost of Newtoune, now Burgess of Stranraer, binds and obliges himself . . . . that he shall produce the person of John Biddoch his son-in-law, or otherwayes ane dark gray colloured horse with sum whytt spotts, about fourtein handfulls hye or thereby, to James Agnew of Lochnaw at the Burgh of Stranrawer upon Monday next," etc.

his death and funeral, of which he gave the parents minute details, informing them that his friend Cornet Agnew had been attached to the troop commanded by Major Pattoun, and that he died in his quarters at Inverness on the 14th of June, at six o'clock at night; that he had been with him to the last, and performed the last sad offices for his friend. In forwarding these particulars, Lieutenant Stewart seems to have thought it would be highly satisfactory to the Sheriff to know that he had done the thing in style! and informs him that he had regaled the whole troop on the occasion—a treat more suitable for an Irish wake than a modern military funeral. Among the accounts which he had liquidated, and forwards to the Sheriff, are these two items—

To Mr. M'Clean for Ale and Aquavitæ	£16 13 4
Item to Jean Fowler, spouse to John Fraser, Merchant (at Inverness), for Sack	14 8 0

A few weeks before this, the second session of the first Parliament of William and Mary commenced its sittings. Sir Andrew Agnew and the Laird of Garthland were present at the opening on the 15th of April 1690. An incident worthy of note in Scotch parliamentary annals, is the formation of the first Election Committee on record in the Scottish Parliament.

On the 9th of May, the Estates named a committee for controverted elections; the members were—

Nobles.	*Barons.*	*Burgesses.*
The Marquis of Douglas.	Sir John Forbes.	Mr. W. Areskine.
The Earl of Eglinton.	Sir Andrew Agnew.	Mr. John Ross.
Lord Forrester.	Sir Archd. Murray.	Mr. George Gordon.
Lord Belhaven.	Sir George Monro.	The Laird of Dun.
Lord Rollo.	R. Melville.	Sir John Hall.

As the new Government appeared firmly established in Great Britain, the satisfaction in Galloway was complete, and the pleasurable excitement rose to the highest pitch when the Prince of Orange himself arrived unostentatiously at Castle Kennedy, his fleet at the same time entering Lochryan. Here,

as the swarm of transports, convoyed by great men-of-war, furled sail and rode quietly to their anchors on the calm basin, the spectators were irresistibly reminded of a large flock of ducks with a few wild swans swimming here and there among them. William was now mustering his forces for the decisive campaign in Ireland. No sovereign had thus appeared in the Rhinns with the pomp and circumstance of war, since the days when Robert Bruce had left his castle of Lochnaw to assist his brother Edward at Carrickfergus. The inhabitants flocked from all directions to see the sight. Much sympathy was felt for the soldiers and sailors, as a dangerous epidemic broke out among them, so that daily the corpses of many poor fellows were carried ashore, and buried hurriedly along the beach. So numerous were these interments that those living near the place say that they have heard from their forbears that a man might once have passed from Stranraer to the village of Cairnryan, stepping from grave to grave.

At the earliest moment possible, the whole flotilla weighed anchor, and rapidly cleared the loch. Whilst these pages were being written, Mr. Nibloe, a respectable farmer in Kirkcolm, died, who himself had talked with his own great-grandmother, and well remembered her telling him, that she was "lifting fauld-dike" in South Cairn the very day that the fleet, emerging from Lochryan, stood gallantly across the Channel, just before the battle of the Boyne; which this old dame used energetically to declare, was "the brawest sight she ever saw."

At the battle of the Boyne, William received valuable assistance from Sir Robert Adair. This gentleman, grandson of the parliamentary colleague of the ninth Sheriff, raised a regiment of horse which he commanded himself on that memorable occasion, so much to the satisfaction of the sovereign, that he was created a banneret on the field of battle, the last creation of the sort which is on record.

The Adairs had, long before this, disposed of the castle and estates of Dunskey, and Sir Robert sold all the property that remained to himself (the baronies of Kilhilt and Drumore, subject only to the life-interest of his uncle's widow) to Lord Stair.

We must here relate an anecdote in his subsequent career. Sir Robert Adair's memory has not been unassailed. An Antrim legendary distich thus runs—

> "Sir Robert Adair the Laird of Kilhilt,
> Murdered his wife and married a jilt."

Sir Robert Adair had four wives. The death of his first lady occasioned no particular remark, but much scandal was occasioned by his marriage with a third, within a few weeks of the death of the second—(little as such things would have been thought of at Craigcaffie).

The third lady is the jilt of the couplet: although already engaged to a man of humbler prospects, she did not refuse to "keep company" with Sir Robert, before his second lady was laid in her grave. One morning, taking this damsel by the hand, the lover led her from the town of Ballymena, pointing out by the way that the whole district was his property, over which he proposed that she should rule as mistress. The offer was a tempting one; the couple strolled on till they reached a wooded dingle through which a stream murmured pleasantly, and here the enamoured knight broke out with, "Only be mine, and all you *see* shall be your dower." The old love was mentally discarded, the maiden sighed consent, well satisfied with the settlement proposed, and a few days afterwards, the marriage-contract was signed, couched in the identical terms used at the moment of their betrothal.

But inconstancy met its due reward. The honeymoon over, the lady found that the old bluebeard had only "kept the word of promise to the ear, to break it to her hope." His engagement was fulfilled to the letter, but the life-interest had been secured to her over such lands as could be *seen* from the very dell where the proposal had been made; the range of smiling fields they had gazed on before they had reached it was there invisible; her domain was confined to a few acres of rocky ground in the deep hollow.—Her dowry was a dream!

A bridge adjacent to the spot is called "The Dowry Bridge"

to the present day. And Ballymena itself retains traces of having belonged to a Galloway laird, being still often spoken of as Kilhilt's Town.

Although the prospects of Galloway were now improving, yet the actual state of matters was gloomy enough.

The proprietors were all more or less impoverished; agriculture was at its lowest ebb. The population had so long been unsettled and under arms, that the producing class bore but a small proportion to the consumers.

The farmers found it difficult to realize money at all for their scanty crops; whilst the Highland host had robbed them of their horses, and wantonly destroyed their cattle. Dragoons had been systematically quartered upon their homesteads—guests who seldom shifted their quarters until their hosts were eaten out of house and home.

A portion of the population had been long hunted as rebels; and these, rendered desperate by their misery, and careless as to preparing for harvests they probably might never reap, were little disposed to show themselves in the fields, whence any brutal trooper might drag them to be tested.

Wheat and beans, so largely cultivated in 1300, were all but unknown to the present generation.

The routine of farm *management* (if it deserve the name) appears to have been this:—On a patch of ground adjoining the house, barley or bear was grown without intermission; this was called *the fey*, and *it was cropped perpetually*—a third part of its extent receiving each year all the available manure.

Their only other crop was oats, which were grown *four years successively* off the same land, after which the ground was allowed to lie for other four years fallow.

The first oat-crop was called the "lay," or "lee crop;" the second, the "awell crop;" the others, the third and fourth crop.[1]

[1] Chalmers's account is—"The routine of crops during an age when nothing was regarded as important but fanaticism, was bear and oats, and oats and bear in perpetual succession."—*Caledonia.* Though he thus indulges in a neat hit at the Covenanters, his detail is inaccurate. He was neither an agriculturist, nor, we believe,

"In the shire," we read, "they till not ordinarily with horses but with oxen,—some only with eight, but usually they have ten. Which ten oxen are not so expensive by far in keeping as four horses which must daily be fed with corne; besides, the oxen yield much more dung. As also when they grow old and unserviceable they get a good price for them from the grasiers and drovers."[1]

Two persons at least were always employed at each plough; the oxen or horses were led by a person (sometimes a boy or a woman) walking backwards, termed "the Caller." If horses were used, the four were put in abreast, "bound together to a small tree before."[1]

But the picture of Galloway in 1688, sombre as it is, had even then its bright side. Although wheaten bread was unknown, and meal both dear and scarce, animal food and fish were more within the reach of the poor population than they are at the present day. Symson, after mentioning the abundance of fish and herring in Lochryan, and the lobsters, "some of them incredibly great," adds, "In short, our sea is better stored with good fish than our shore is furnished with good fishers, for having such plenty of flesh on the shore, they take little pains to seek the sea for fish."[1]

He mentions, also, another article of rural luxury, the art of making which is now forgotten—a loss our readers may probably not regret.

"The moor-men have a custom of barrelling whey, which is thus done—When the whey is pressed from the curds they let it settle, and then pour off the clear whey into a barrel, which will work and ferment there. The next time they make cheese they do the like, and so daily pour the whey into the barrell till it be full. This they close up and keep it till winter and spring time. . . . Yea it will keep a twelve-month, but it will be very sour and sharp, a mutchkin whereof being mixed with a pint of spring water makes a drink."

was he ever in Wigtownshire; and Symson, who wrote at the time, and lived among the people, has given a minute detail as extracted in our text, which must obviously be received as the true account.

[1] Symson.

But the grand Galloway staple, which in the worst of times always commanded the markets, was wool.

Their wool was of three sorts—"laid wool, moor wool, and deal wool. The *laid wool*, called also 'smeared wool,' because, about Martinmas, they melt butter and tar together, and lay or smear the sheep by parting the wool, and with the finger straking in the mixed butter and tar on the sheep's skin;—which, as it makes the wool grow longer, so it fortifies the sheep against frost and snow.

"This wool, though far longer than the other two sorts, will not give so much per stone, by reason that when the wool is scoured, it will not hold out weight by far so well as next sort, viz.—

"*Moor wool.* This is the best of the three sorts, being very clean because not tarred, and consequently much whiter. The best moor wool is in Penninghame, Kirkcowan, and Glenluce.

"*Dale wool*, or deal wool, is not usually so good as moor wool, being much fouler in regard of the toft dykes which enclose the sheep-folds, whereas in the moors their folds are surrounded with dykes of single stones laid one upon the other."[1]

Much as their herds had suffered from depredation, their little horses and their cattle were the very best of their kind; and in enumerating the animals for which our forefathers had still to be thankful, we must not omit to name another whose absence was as great a blessing. "In the Presbytery of Wigtown," it is added, "although we have mice good store we have no *rats*. . . There is a gentleman in the parish of Kirkinner who assures me that above thirty years since he saw an innumerable multitude of rats in his barn, which overspread most of his corn But they only stayed a day or two and then evanished, he not knowing whence they came or whither they went."[1] Happy man!

In searching for Galloway traditions, we have occasionally stumbled upon genuine old proverbial phrases, many of which are highly characteristic; as, for example—

"*The master's foot is the best foulzie*"[2] reminds the farmer that his diligent supervision is more essential to securing him a rich return than is guano from Peru.

[1] Symson. [2] Manure.

"*Lae na bauks in gude bear land,*" is a caution not to spoil a good story by over-delicacy or prudishness. A "bauk" being a piece of land missed over in ploughing.[1]

"*Never jump out o' the cheesle*[2] *ye hae been chirted in,*"[3] is a smart reproof to any one set above his place, or inclined to quarrel with his bread and butter, coming well from the lips of people long famous for their dairy produce.

"*He cudna breest a ratton aff a peat*"[4] is a phrase expressive of the greatest possible contempt for an insignificant little man, which is very quaint.

"*Winter never comes till Ware*"—a very old proverb given by Symson—indicates the excessive mildness of Galloway winters, which render vegetation liable to rude checks by frosts in May; the same idea is expressed in another local saying—

"*Gin the laverock sings afore Cannlemas she'll mourn as lang after't.*"

Our ancestors derived a "freet," or superstitious augury, from any number of magpies up to a figure which our active gamekeepers have now rendered it nearly impossible for us to verify.

"Ane's sorrow; Twa's mirth;
Three's a burial; Four's a birth;
Five's a wedding; Six brings scaith;
Seven's sillar; Aught's daith."

And we further submit a homely rhyme we once noted down, to the judgment of the weather-wise, although ourselves inclined to differ from its author:—

"When we steer the greeshoch,[5]
Gif the lowe[6] be blue,
Storms o' wun' and weather,
Will vera soon ensue."

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[1] Jamieson gives the definition of bauk; "a ridge of land left unploughed;" but M'Taggart gives the Galloway adaptation of the term rather to pieces of land missed by bad ploughing.

[2] Cheese-mould. [3] To squeeze, to press out.

[4] He would require to stand on a turf or peat to mount a rat.

[5] Stir the embers. [6] Flame.

CHAPTER XXX.

THE TENTH HEREDITARY SHERIFF.

One question I then at the shepherds did speer,
What kind of inhabitants they be that live here ;
What mighty fine places I see as I stray,
And wondrous fine people in brave Galloway ?—OLD SONG.

AMONG a file of old papers, we lately lighted upon a note from Captain Agnew of Lochryan to the Sheriff, which we preserve from the fact that he, having already a grey charger in his possession, which he rode as a captain in the Royal Scots Dragoons, was endeavouring to procure another of the same colour ; which is interesting as a matter of military gossip, because, in the official records of the regiment (now the Scots Greys), it is stated that no trace can be discovered of the corps being mounted on grey horses previous to 1700.

"28 Aug^{t}. 1693.

"Sir,—I send you with the bearer the hors I told you of at Edinburgh who trulie is ane extraordinar well going pad. If you think fit you may send me your large gray hors who I suppose will make a better dragoune, and as for boot I am satisfied to refer it to any you pleas att meating.

"I intreat you would be pleased to give my humble service to your Ladie, and believe me to be, Cusin, your sincere friend and servant, A. AGNEW.

"Sir Andrew Agnew, Baronet of Lochnaw."

Filed along with this letter is the decision of a veterinary surgeon, who arbitrated between the parties as to the relative values—

"Stranrawer 2 Sep^{r}. 1693.—Gilbert Crawford having seen ane gray pad horse belonging to Captain Agnew, and ane gray

gelding belonging to the Sheriff, finds the Sheriff's gelding worth ane hundred merks more of value than Captain Agnew's horse."

A few weeks later there is this entry in the Sheriff's record-book:—

"Michaelmas Head Court of the Shyre of Wigtown, holden by Sir Andrew Agnew, Sheriff Principall, 26 Sep. 1693.

"On the which day the Sheriff of Wigtown, the Earl of Galloway and the remanent Barons under-subscribing, taking to their consideration how the county is abused, terrified, and affrighted by vagabond thiefs and robbers, as under cloud of night enters the people's houses and ties the inhabitants, and robs what they think fit;—for prevention and punishment whereof in time to come the under-subscribers allow the heritors of each parish to raise as many men within the parish as may search for and apprehend the said vagabond thiefs and robbers, or any that is suspect to be of that sort; or any persons that are strangers and cannot give account of themselves; or any who pass under the name of beggars who can work and do for themselves. And the said persons being so apprehended to be brought to the Tolbooth of Wigtown, there to be incarcerat till they underly the law (or to the next adjacent prison to where the crime is committed).

(Signed) "JAMES AGNEW. WILL. COLTRANE.
JA. DUNBAR. WILLIAM STEWART.
ARCHIBALD M'KIE. VAUS OF BARNBARROCH.
GALLOWAY. ANDREW AGNEW.
W. GORDON."

In the year 1695 Viscount Stair died, full of years and honours. He had gradually acquired the greater part of the lands in Galloway formerly possessed by the Cassilis family.

Castle Kennedy itself had been purchased by Sir John Dalrymple, his successor. This second viscount inherited his father's brilliant talents, but was a man of less kindliness of disposition.

He undoubtedly rendered the state good service in the settlements connected with both the Revolution and the Union. But

his fame is sullied by the dark story of Glencoe, and he is hence justly unpopular in Galloway tradition.

The traditions preserved of him represent him as cold and stern; to this day the benighted traveller is warned to avoid the thicket that adjoins the ruins of Carscreugh, which are haunted by a female sprite, of which the cause is this:—Sir John Dalrymple had rightly or wrongly conceived suspicions as to the chastity of one of his daughters; and, meeting her on the stairs, whilst labouring under great irritation, he struck her with a bridle which he carried in his hand, depending from which was a heavy iron bit. The poor girl, crushed both in body and mind, crept out of doors, and, laying herself down amongst the brushwood, passed the night in the chill cold air, and next day was found dead lying by the well. Family documents give no foundation for any such story, which, however, is no doubt as true as is the appearance of the ghost.

A more tragic story, and better authenticated, occurred in the province about this date. Sir Godfrey M'Culloch, the last of the ancient line of Myrtoun, having squandered his patrimony and sold his Wigtownshire estates, retired to the Stewartry, where he had a dispute with one of the Gordon clan relative to the possession of Cardoness. Gordon and he became bitter personal enemies, and Sir Godfrey, being induced to join a party illegally organized to release some cattle impounded by the said Gordon, the two met face to face, and M'Culloch discharged a gun at his opponent, inflicting wounds which eventually proved fatal.

Sir Godfrey fled the country; but some time afterwards he was attending church in Edinburgh, when a Galloway man in the congregation cried out "*Pit to the door, there's a murderer in the kirk.*" He was thereupon apprehended, tried, and executed on the 26th of March 1697. So say the criminal records! Tradition, however, gives a very different version of the matter.

Long, long before the fatal encounter, Sir Godfrey, in his palmy days, sat at a window in the old tower of Myrtoun, watching the operations of some men forming a new sewer from his house to the White Loch below it. Suddenly he was

startled by the apparition close beside him of a very little old man whose hair and beard were snowy white, whose strangely-cut costume was green, and who seemed in a state of furious wrath. Sir Godfrey received him, notwithstanding, with the greatest urbanity, and begged to be told in what way he could serve him. The answer was a startling one! "M'Culloch," said the visitor, "I am the king of the brownies; my palace has been for ages in the mound on which your tower stands, and you are now driving your common sewer right through my chalmer of dais."

Sir Godfrey, confounded, threw up the window and ordered the workmen to stop at once, professing his perfect readiness to make the drain in any such direction as might least incommode his majesty, if he would graciously indicate the same. His courtesy was accepted, and Sir Godfrey received a promise in return from the now mollified potentate, that he, the said king, would stand by and help him in *the time of his greatest need.* It was long after this that the knight of Myrtoun disposed of his enemy in the summary way we have already mentioned, and for which he was condemned to die. The procession had started for the place of execution; a crowd was collected to see the awful sight; when the spectators were surprised by seeing a very little man with white hair and beard, dressed too in an antique suit of green, and mounted on a white horse. He issued from the castle-rock, crossed the loch without a moment's hesitation, and rode straight up to the cart on which Sir Godfrey, accompanied by the executioner and a minister, was standing. They plainly saw Sir Godfrey get on the horse behind the little man, who was no other than the king of the brownies (who thus fulfilled his promise by arriving in his hour of need): the two recrossed the loch, and mounting the castle-rock they disappeared. When the astonished crowd again turned their eyes to the cart a figure was still there, and wondrous like Sir Godfrey; it was therefore generally believed that he had met a felon's doom, and most people thought no more about it. A few only knew better, but these cared little to speak about the matter. At rare intervals, however, one of the initiated would impart the story to a

friend, and tell how a head had rolled upon the ground, leaving a bleeding trunk upon the scaffold, adding always, in a confidential whisper, "*It was na him ava, but just a kin' o' glamour.*"

About this time the Agnews of Galdenoch, getting into irretrievable difficulties, chiefly owing to the fines of the two former reigns, sold their estate to the Sheriff. The lands of Galdenoch had been held by this branch of the family for about a century and a half.

Patrick Agnew, the father of the last proprietor, appears as a member of the war committees, 1648; he was so far noticed in 1662 by Middleton, the viceroy, as to have his name inscribed for a fine of £1000 amongst the élite of the nation who were so selected; and the last laird's wife appears prominently in certain lists of Claverhouse as an "excommunicat person," which merely implies that she received communion in the Presbyterian form, and refused to take the "test."

The history of this family resembles that of many others whose names are now almost forgotten. The larger proprietors were able to struggle on till the advent of better times, whilst the smaller disappeared; and now the quaint old tower of Galdenoch, which once had been termed a "castle," descended a step in the scale of residences, and was converted into a farmhouse. When, however, the worthy farmer took possession, he found that a castle, however superior to the usual thatched dwellings of those days, had also its drawbacks, as every castle had, of course, its "ghost." No Galloway tradition is better authenticated than the story of the Galdenoch ghost, which is as follows:—

One of the family of Galdenoch was engaged in the cause of the Covenant. The army he belonged to was utterly defeated by Montrose; and late on the day of the battle, young Agnew, wandering and weary, craved shelter and hospitality at a farmhouse near the scene of their disaster. He was admitted by the tenant, a rough and blustering man, who allowed him to share the family supper, and, after a long "crack" over the incidents of the fight, allowed him to make his bed upon the floor. Early the

next morning the youth rose, and was in the act of leaving the house, when his landlord interposed his person between the soldier and the door, indicating in a threatening manner his doubts as to whether his guest had not fought on the *wrong* side the day before. Finding himself likely to be made a prisoner, the lad produced a pistol, shot his entertainer dead upon the spot, and, passing over his body, rushed to the stables, saddled his horse, and made the best of his way to Galloway. He arrived safely at home, but hardly had the lights been put out on the night of his arrival before strange sounds announced another arrival at the tower. It was the ghost of the slain malignant! who, after disturbing the repose of his slayer for the rest of his days, continued to annoy each successive occupant of the castle. By and by the tower became a farm-house on the Lochnaw estate, but still the yeoman's ghost haunted the old walls, and his pranks became queerer and more alarming as time wore on.

One cold winter's night, the farmer's family sat round the kitchen fire, which was blazing cheerfully, a blue flame hovering on the surface. A burning stick was passed merrily from hand to hand.

"About wi' that! about wi' that!
Keep alive the priest-cat!"

The spark was extinguished, and the forfeit was about to be declared,[1] when one of the party, looking at the hearth, which was now one brilliant mass of transparent red, observed—"It wadna be hannie to steal a coal the noo;" but hardly were the words out of his mouth, when a glowing peat disappeared as if by magic, leaving as clear a vacuum in the fire as when a brick is displaced from a solid archway. "That beat's a'," was re-echoed

[1] The game they were playing was a popular Galloway "ingleside" game, in which a piece of stick is made red in the fire, and then one person hands it to another round and round, all repeating the rhyme as above. Whosoever's hand the last spark goes out in, is in for a "wad" (a forfeit), and all sorts of curious penalties are imposed upon the unlucky person. A certain degree of superstition is attached to the game. M'Taggart says, "Anciently, when the priest's cat departed this life, wailing began on the country side, as it was thought it became some supernatural being—a witch, perhaps—so to keep it alive was a great matter."—*Gallovidian Encyclopædia.*

through the wondering group; and but a few moments elapsed before there was a cry of fire, and the farm-steading was in flames. In the thatch of the barn that identical "cube of fire" was inserted, and no one doubted that it had been done by the ghost; and it was only from its instantaneous discovery that the range of buildings was preserved by the united exertions of the party.

The practical jokes of this unquiet spirit became unendurable.

The tenant's mother sat alone one morning at her spinning-wheel; an invisible power bore her irresistibly along, and plunged her in the Mill-Isle burn, a human voice mumbling the while, "I'll dip thee, I'll draw thee," till the poor old lady became unconscious. Great was the surprise of the family at dinner-time when grandmamma was missed. Every corner of the buildings was searched, and all in vain; the goodman and his wife became seriously alarmed, while the lads and lassies ran madly about interrogating one another, first wildly, then mournfully, with, "*Have you seen granny?*" At last a voice was heard, but too well known upon the premises—"*I've washed grannie in the burn, and laid her on the dyke to dry!*" Away the whole party ran; and sure enough, just where the ghost had told them, lay the poor old woman naked on the dyke, half dead with cold and fright.

Several of the neighbouring clergymen tried to lay this ghost, but all in vain. If they sang psalms, the ghost drowned the united efforts of the company. At last, a minister who had great experience, and was supposed to be able to lay any ghost that ever walked the earth, came prepared expressly for the encounter; but to his dismay, his singing was overpowered, and all his adjurations answered by such smart retorts that his congregation, in spite of their efforts, laughed outright. Nettled at this, the minister rose angrily, declaring *he never would come back.* The yard-gate had closed behind him, when the well-known voice begged him to return, and promised if he did so to tell him something which he had never heard before. The minister's curiosity was excited; he re-entered the house, but only to

hear the laugh against himself redoubled as the ghost maliciously exclaimed, "Ha! ha! I hae gotten the minister to tell a lee!"

The farmer's family were now worse off than ever. The spinner's threads were broken short off; peat clots fell into the porridge, and various unsavoury materials were thrown into the kail-pot; when, after many years of trouble, a young man, named Marshall, was ordained to the parish of Kirkcolm. He volunteered to try a bout with the Galdenoch ghost, and a large company assembled to assist; the minister hung up his hat, gave out a psalm, and led off the tune of Bangor. The ghost sang too; the company endeavoured to drown his voice, but failed; the fiend sang long and loud, and all had ceased but the minister, whose voice rose to a louder and louder pitch as he kept up the strains alone until the "witching hour." He called upon the wearied congregation to join him once more! a burst of psalmody was the response; and Bangor, loud if not melodious, resounded through the castle-walls. Again all ceased, exhausted, but Marshall, who in stentorian tones undauntedly held on. Faint gleams of light streaked the eastern horizon, when an unearthly voice, husky and weak, whined, "Roar awa, Marshall, I can roar nae mair!" Marshall still continued, determined to make assurance doubly sure; but again that hollow voice sobbed forth, "I roar nae mair;" and true enough, the ghost kept his word, and was never heard again.

On this story Mr. Marshall has risen to fame; few of his predecessors are remembered, but his name survives inseparably connected in Gallovidian lore with the ghost of Galdenoch. He was one of those who could make himself heard of in the world; for we have been assured, that when he preached on the Green at the Stewarton of Kirkcolm, he could, on a calm day, be heard distinctly across Lochryan at the Cairn.

The social status of the parish ministers of Galloway had then much declined since the days of Livingstone and Adair; and their conduct—as shown by the church-records of this period—contrasts badly with that of their predecessors, during the sterner period of the persecutions.

On the 22d of April 1697, the Synod of Galloway "considering the flagrant reports and surmises do continue to increase against a plurality of the Presbyterie of Wigtown," and that, "not so much as a quorum is left to cognosce upon them that are accused," appointed "the Rev^{d}. Masters Andrew Cameron, William Boyd, John Murdoch and Samuel Spalding of the Pres^{rie}. of Kirkcudbright; Alex^{r}. Dunlop and Robert Rowan of the Pres^{rie}. of Wigtown, Robert Campbell and William Wilson of the Pres^{rie}. of Stranraer. The Lairds of Barnagachin, Cutreoch and Garthland, Ruling Elders, to be a Committee to visit the several Parishes, and bear the authority of the Synod in their reproofs and censures."

A few sentences from the voluminous minutes of their proceedings will illustrate their doings.

"At the Kirk of Sorbie, June 9, 1697,—all Members of the Committee present *ut supra*,—

"Mr. John Wilson, minister of the Paroch being called and compearing answers, 'He hath been four years Minister and hath not as yet celebrated the Lord's Supper.'" . . . .

The Sheriff of Wigtown here entered, and stated that, "this day Lord Basil Hamilton had complained to him upon Mr. John Wilson that he had beaten one of his tenants upon occassion of a difference about a tithe lamb, and thrust him so violently with a cane staff that he did spit blood for two months." Secondly, "the Sheriff objected against him," that he had uttered obscene discourse at "table, some officers of the army being present;" and he further charged him with an act of very gross indelicacy, committed when visiting at a country house. The Sheriff also produced a letter, written by Mr. Wilson to himself, and another addressed to a third party, "in both of which he (the Sheriff) is much abused."

"The Committee thereupon considering Mr. Wilson's two letters, unanimously judged them to be intolerable, scandalous and abusive . . . . and the Moderator inquiring at Mr. Wilson what he had to say for himself, he answered, 'that the letters were written by him in great haste and no less passion, for which

he declared himself heartily sorry and craved the Sheriff's pardon for what offence he had justly taken at him. . . . The Committee seeing Mr. Wilson sensible of his wrong then appointed some of their number to deal with the Sheriff and interpose for a reconcilation. . . . The Sheriff condescending to this, the Moderator did rebuke Mr. Wilson in name of the Committee before the Heritors and Heads of Families in the Church publickly, and admonished him to carry dutifully towards the Sheriff in all tyme coming. And the Sheriff having condescended to accept of this rebuke, and thereupon to take Mr. Wilson by the hand,—the Committee ordered that in order to the reparation of the Sheriff's honour, that this rebuke of Mr. Wilson be publickly read in the Church of Wigtown after forenoon sermon by Mr. John Murdoch the next Lord's day, and by Mr. Walter Lawrie at the Kirk of Stranraer likewise the same day."

As to the first two of the Sheriff's charges, Mr. Wilson did not contradict either, but pleaded as to each, that it was "res judicata" before the Presbyteries of Ayr and Wigtown. The third he denied *in toto;* but the Sheriff neverthless offering to prove it —the witnesses not being present—the matter was delayed.

The committee next met at the kirk of Mochrum the following day, when, after much interrogation of the ministers and elders, the heritors appeared, and "a paper containing some things whereof he accuses the Minister," was given in by Sir James Dunbar. And first, he accused him of a breach of the Sabbath-day, "by binding up the fallen stouks of barley and hounding sheep with his dog." Mr. Stewart denied this article altogether, but Sir James produced witnesses to prove the charge. Next, he "accuses Mr. Stewart that he did beat a boy named Coltran, and wounded his head in beating him; and further accuses Mr. Stewart for beating of his servants frequently. Mr. Stewart being interrogat acknowledgeth he strook when the boy with horses was abusing his teams . . . . and denies that it is his common practice to beat his servants, but confesses that sometymes he beats them when they grow stubborn and disobedient.

"Sir James Dunbar accuses him that he said to his (Sir

James's) servant John Beattie that 'his Lady was ane enemy to the Gospel.' Mr. Stewart answers that he said to John Beattie 'that in as far as the Lady Mochrum was a hindrer of her servants to come to examination she was an enemy to the work of the Gospel.' John Beattie declares judicially that after he had vindicated the Lady Mochrum to Mr. Stewart for what he charged her with, in regard she knew not of the dyet of examination, he said expressly, 'she was an enemy to the Kingdom and Gospel of Christ,' without prefacing the words as *supra*.

"The Committee refers the whole of this visitation to the Synod."

Lord Basil Hamilton, sixth son of Anne, Duchess of Hamilton in her own right, and William (created duke as), her husband, had married Mary Dunbar, Sir David Dunbar's grand-daughter, and heiress of Baldoon; and about this time gained an honourable notoriety for his improvements in agriculture. He obtained special permission from the Council to "import six score young cows from Ireland for the park of Baldoon"[1] (the Act of 1672 having forbidden all such importations), upon his finding security that he would import no more than the number named.

The Sheriff followed closely in his wake, giving an attention, not before considered necessary, to the breeding of cattle; and hence Galloways obtained a favour in the English market, which stimulated other proprietors also to try improve the breed, and keep up a good supply. In the *Domestic Annals of Scotland*, the subject is thus referred to—"The example of Baldoon Park was followed by the Laird of Lochnaw, and other great proprietors; and the growing importance of the cattle-rearing trade in Galloway is soon after marked by a demand for a road whereby the stock might be driven to the English market.

"In June 1697, the matter came before the Privy Council on a petition from the great landlords of the district—James, Earl of Galloway; Lord Basil Hamilton; Alexander, Viscount Kenmure; John, Viscount of Stair; Sir Andrew Agnew of Lochnaw; Sir Charles Hay of Park;—and a commission was

[1] Domestic Annals of Scotland.

appointed by the Privy Council to make and mark a road and highway, for droves from New Galloway to Dumfries, holding the high and accustomed travelling way betwixt the two said Burghs."

The Sheriff was a constant attendant in Parliament. On the first day of the various sessions, commencing the 18th April 1693; the 9th of May 1695; the 8th of December 1696, and the 19th of July 1698, on the rolls being called, the two commissioners for the barons of Wigtownshire are regularly entered as present.

All this time, the first Parliament of William and Mary had subsisted; but although no new election had taken place, there were from time to time changes in the representation; and on the 22d May 1700, on the opening of the session, the following members of the three Estates represented Galloway:—

Of the Nobility—

The Earl of Galloway and Viscount Stair.

Of the Barons—

Sir Andrew Agnew of Lochnaw,
William M'Dowall of Garthland, } For Wigtown.

Patrick Dunbar of Machermore,
M'Guffoc of Rusco, } For Kirkcudbright.

Commissioners for the Boroughs—

William Coltran, for Wigtown.
Patrick Murdoch, for Whithorn.
Sir Patrick Murray, for Stranraer.
Sir Andrew Hume, for Kirkcudbright.
Sir Hew Dalrymple, for New Galloway.

Long before this, Sir Andrew Agnew had appointed his eldest son Sheriff-depute; and in the first week of the session, a complaint, forwarded by his son, acting as Sheriff of Galloway, was read in the House, of the piratical proceedings of certain English sea-captains in Lochryan.

The whole proceedings of the Sheriff's court are embodied in

the Records of the Parliament, and are worthy of preservation, as, although Galloway was somewhat notorious for smuggling, the parties complained of in the process were the very officials employed to put it down.

The petition invites attention to the following attested evidence—

"Stranrawer the 15th day of May 1700.

"Sheriff-Court holden by James Agnew, younger of Lochnaw, Sheriff of Wigtown. The whilk day, anent the abuses committed by Captain Bartier of the Prohibition Sloop, and Captain Carleton of the Shark, upon the houses and boats of inhabitants in Lochryan,—

"Compeared in presence of the said James Agnew—

"1*st*, Robert Campbell in Cladahous of the age of fourty years or thereby who being solemly sworn and interrogat, depones—

"That there came ashore in the month of January last from aboard the said Captain Bartier's ship to the number of fourteen men, accompanied by one M'Gregor whom they termed Lieutenant, and having taken a turn ashore they thereafter came and invaded the deponent's house, and abused some companies that were in his house, and knocked a part of them down with their boat-hooks and cudgells; and ran in a manner mad through the whole houses, and threatened to burn the house, and endeavoured the same had they not been hindered by a soldier who was accidentally in the house.

"They drank a great deal of ale and beer, and would not pay a farthing. Captain Bartier did seize upon a boat belonging to the Laird of Dunskey, going with a let-pass from Glasgow to Portpatrick with furniture and provisions for Dunskey's use, and did detain the boat above a fortnight, notwithstanding the let-pass, till James Dalrymple, Dunskey's son-in-law, *carried aboard a present of brandy.*

"Farther, Captain Bartier did search all ships, barks, and boats that came to anchor in Lochryan, upon which Andrew Fullerton, the collector, sent Andrew Young, a waiter, with a

letter to him, which he would not answer, but returned hectoring and abusive language.

"Likewise depones, that Captain Carleton of the Shark sloop did search all boats, barks, and ships that came to Lochryan; particularly Mr. Watson's, who came straight from the Canaries without touching at Ireland; and took two hundred ells Scots cloth which the waiter did attest did need no coquet (he being aboard). The said Captain Carleton did detain Watson and his ship till he *gave him a compliment of two or three dozen Canary bottles and some lemons.* And also deponent declares that Captain Carleton did stay some nights ashore and gave command to his men to search all ships that came to anchor in Lochryan.

"2*dly*, John Hannay, solemnly sworn, corroborates every word and circumstance as stated by the first deponent.

"3*dly*, John Campbell, one of Captain Agnew's troop of the Royal Regiment of Dragoons, corroborates (at length) the evidence of the first deponent, and adds that the said Captain Bartier fell upon him and very near murdered him.

"4*thly*, William Wilson, Merchant in Stranraer, depones that the number of men alledged came from the said Captain Bartier's sloop in January last and were in Cladahous within clouds of night, very abusive to the house and some civil companies that were in the house at the time, and did hear one of Captain Bartier's men to call upon the others to fell or knock them down to the ground, 'for they are none of our men, and come and let us set fire to the house.'

"Signed before me this 15th day of May. JAMES AGNEW."

We shall here insert at length a trial for sheepstealing before the Sheriff—

"Indictment at the instance of Alex[r]. Patersone in Tung and the Procurator-fiscall for his interest contrair John M'Crakane in Acanibainie.

"Ye are indicted and accused for the thieftous stealing, art-

part concealing, resetting and away taking frae the said Alexander ane yew (*ewe*) and a lamb upon the 24th of May 1699.

"For evidencing whereof upon the same day there was 7 yewes and 7 lambs that strayed from the said Alexander off the Lands of Tung; and he having made search for them found six of the yewes and lambs at Quhitehill beyond the Haugh upon the lands of Acanabanie possessed by the said panell notwithstanding his being denyed that they did see them;—whereupon the said Alexander Paterson required Gilbert Meine in Carnecarzand as having an order fra the Sheriff to require make search for the yew and lamb he wanted.

"Accordingly the said Gilbert Meine took along with him James M'Nillie in Quhitehill-Larg, Thomas Eglesham in and James and Gilbert Neilsons in Deerpark, Alex^r. and John Meines in Carnearzand upon the 25th of May instant, and made curie and search through the panell's houses and byres, and found the stolen goods underwritten, viz.—

"They found a green lamb skin and head, stuffed in the easing[1] of his dwelling-house, which was in a great way from the fire, at the back of the door in the darkest place of the house, the skin being in one part and the head in another part.

"Item, they found the haill buck[2] of the yew being green mutton stopped in a sack-pock put in the easing of his byre in the darkest place.

"Item, they found within the waistband of his breeks and his shirt, the udder of the yew with the skin and paps at the instant of time when they were apprehending him to come along.

"Item, they found 4 fleeces of wool in his house, bound together; some of it lug-keilled[3] and some of it back-keilled;[3]—and in the meantime the complainer owned the lug-keilled[3] wool belonged to him.

"All which may testify the panell to be a notorious thief;—in respect the panell was taken with the red hand;—and the

[1] Eaves. [2] Carcase. [3] Marked with ruddle.

red-hand here to produce;—and therefore ought to be punished with confiscation of effects and goods.

"26th May 1699.—The indictment being read to the panell, he affirms the yew was his own and had drowned in water.

Roll of Assize called—

"Alexander Agnew in Knockcoyd.
Andrew Cleland in Larbrax.
John Boyd of Kirkland.
John Stevenson.
Rob^{t}. Campbell in Cladahous.
James M'Culliam in Drumduy.
Laird M'Meikan.
James M'Master in Stranrawer.
John Ross in Glenstokadaile.
John Wither in Dinvin.
William M'Whinny in Salchary.
John Campbell in Airies (*absent*).
Alex^{r}. M'Culliam (M'William) in Craichmore.
Robert Gray in Stranrawer.
Thomas Wallace in Stranrawer.
Pat. M'Master in Corsallhouse."

(John Campbell was fined "*in ane hundred merks of fyne because of his contumacy.*")

Witnesses called—

"*Gilbert Meine* in Carnearzand—of the age of 40 years—unmarried, depones conform to the articles of the libel *in omnibus.*

"*James M'Neillie* in Whitehill-Larg, of the age of 36 years, depones conform to the articles of the libel.

"*James Neilson* in Deerpark depones the same.

"*Thomas Eglesham,* of the age of 30 years, married, depones conform to the libel except he did not see the udder of the yew until it was in the witness's hands. And all of them depone that they required the panell to produce the skin, lug, and head of the yew, who replied that he desired *them* to go fetch them since they wanted them.

"*Alex^{r}. Mure,* of the age of 24 years, unmarried, depones conform to the former *in omnibus.*

"The Assize chose Robert Campbell Chancellor, and all of them having considered the indictment and haill articles thereof, with the probation in addition;—and being therewith well ripely advised, after mature deliberation finds and declares all in one voice without variance the panell *guilty* of the indictment in stealing of the yew and lamb: the Red-hand was

produced for instruction; and find that the yew was not drowned but killed.

"The quhilk day, in respect the Assizers found the panell guilty of the theft libelled, conform to their verdict above written: Therefore the Sheriff adjudges and decerns the said John M'Crakan to be taken to the ordinar place of execution at Stranrawer upon Wednesday come 8 days, being the seventh of June next;—and there betwixt 3 and 4 hours in the afternoon to be hanged upon a gibet until he be dead;—and his whole moveables to be confiscated to the procurator's use.

(Signed) "J. AGNEW.

"The which day the Sheriff by written instructions delivers the panel to Sam. Lairl, and desires him to be comptable for him until the day of execution. This done in the Tolbooth about 3 hours of the afternoon in presence of Andrew Clelland, James M'Master, John Boyd of Kirkland, and W^m^. Kirkpatrick."

The young Sheriff and Lady Mary were at this time living quietly at Innermessan, where an incident in their domestic life crops out amusingly. The young Sheriff appears to have seated himself deliberately to write a long letter upon business, when he was disturbed by the sound of horses in the court-yard. Running to the window, there he saw the Laird of Monreith, whose very appearance seems instantly to have suggested ideas of *hogsheads of claret*, to the exclusion of all other business. The following characteristic epistle was the result:—

"10 April 1700.

"Cusing,—Just now as I begune to write this Sir William Maxwell lighted at this place with a designe to try our wine, which is extraordinarie good, *so ye may consider if I have much time to spare*"—(here a single sentence as to the business)—"which is al, onlie the companie drinks your health.

"From, Sir, your most affec^at.^ Cus. to serve you,

"J. AGNEW."

On the 22d of August 1700, the Sheriff's old colleague, William M'Dowall of Garthland, died. By his wife, Grizzell Beatoun,

he had fourteen children, of whom ten survived him. His eldest son and heir, Alexander, married afterwards the only daughter of Sir John Fergusson of Kilkerran. His fifth son, William, became a colonel in the army, and being quartered at St. Christopher's, married Mary Tovie, a West India heiress, and returning home purchased Castlesemple, and died in 1748. The Colonel's son, William, purchased Garthland from his cousin in 1760, and on this cousin's death in 1775, became chief of the house. His direct descendant, General M'Dowall of Garthland, in Renfrewshire, now represents this grand old Galloway family.

On Garthland's death a vacancy took place in the representation of the barons, which occasioned a keenly-contested election, followed up by a petition.

The two candidates were Lord Basil Hamilton; and William Stewart of Castle-Stewart, a younger son of the second, and uncle of the fourth and fifth Earls of Galloway (the latter of whom was now in possession of the title).

The Sheriff himself appears to have continued attending Parliament, leaving the election to be conducted by his son. On receiving the writ for the election of a Commissioner, the Sheriff was bound by law to fix a day for the nomination, and to give due notice of this by bills or proclamation at the various parish-churches and at the Market-Cross at Wigtown. On the appointed day it was his duty to convene the freeholders in the "Sheriff's ordinary Court-room," betwixt noon and two o'clock P.M., and then and there to produce the writ and read it, and adduce evidence of the forementioned publications as directed by Act of Parliament.

The Scotch law then laid down that "these preparatory steps finished, the Sheriff has no further business at the meeting. The Commissioner last elected, *if present, takes the chair* and administers the oath of allegiance . . . and proceeds to call the roll, and ask votes for choice of Preses and Clerk to the meeting, having the casting-vote in case of equality.

"If the Commissioner last elected be absent the oaths are administered and roll called by the Sheriff's Clerk, and the cast-

ing-vote belongs to the Commissioner who has last represented the shire at any former Parliament; failing him, to the Freeholder who has last presided at an election; failing any such person, to the Freeholder who stands first upon the roll."[1]

The remaining legal formulæ were these:—"The preses chosen and election made, and the minutes signed by the preses and clerk; the clerk makes out the forms and the Sheriff returns the writ of election to the Crown-Office in Chancery."

On the appointed day, James Agnew, the young Sheriff, rode into Wigtown and opened the proceedings. Here there was much excitement, each candidate being attended by a large following, and many persons who were not electors got into the Court. *No former Commissioner was present*, and the preliminary forms being ended, the Sheriff was about to leave the chair, when there were loud cries *that he was chosen preses.* The partizans of Lord Basil—among whom were Sir James Dunbar, the Laird of Garthland, and Heron of Kerrochtree—had secured front places, and on their proposition the young Sheriff *was by acclamation declared to be preses*, and remained in the chair accordingly. The friends of Castle-Stewart had, however, desired that a formal election for preses should take place; but being behind the others, and Hamilton's party having fairly drowned their voices with opposite cries, the Sheriff was led to believe that he had been unanimously requested to take the chair. Stewart of Physgill, upon this, drew out a formal protest, and managed, with difficulty, to deliver it to the clerk, though the Sheriff afterwards declared that he neither heard nor knew of this proceeding.

The election, meanwhile, went on amidst considerable uproar, the claims of the several freeholders being verified, until, as the lists were being made up, the disturbance became serious. The Sheriff hereupon requested silence, ordering all non-electors to leave the Court forthwith. Sir James Dunbar, the Giant (the hero of the claret-butt, and now a baronet himself), put forth all his strength in support of the chair, and made himself very

[1] Wright's *Law of Scotch Elections.*

conspicuous by ejecting, forcibly, many intruders. The Sheriff loudly called the meeting to order, and desired Gordon of Grange (whom he considered disqualified to vote) to retire, who, refusing to do so in an insulting tone, the Sheriff instantly declared Gordon fined, and entered the fine, imposed in the assertion of his rights, upon the books of Court.

Castle-Stewart's party, on the other hand, complained of the Sheriff sitting as preses at all, and finding themselves overmatched, they sent a request to Lords Galloway and Stair, who were outside, to come in and protect them against the Sheriff. These noblemen, somewhat unadvisedly, agreed, and entered the Court at the very moment the rolls were being made up. Their advice was then formally asked upon the matter of the preses; and they gave their judgment against the Sheriff. They then requested a certificate that they had appeared there only at the desire of some of the barons; this was given them, and they retired. Notwithstanding this, the Sheriff remained in the chair, and his officers, assisted by the Giant, forcibly ejected all interlopers; the hubbub subsided, and the Sheriff announced the result of the poll to be that the votes for the two candidates were even; and a double return was accordingly made out.

During the proceedings many objections were made by the adherents of either side as to the right to vote; among others—

"John Stewart of Fisgall objects against Lord Basil Hamilton" himself, "in respect that his charter and seasing proceeds on an adjudication which is not yet expired; and that his lady has renounced to be heir to her father and grandfather." "Whereto it is replied and sustained that the apparent heir has revoked her renunciation in due time." Lord Basil produces his charter, declaring he has paid the whole debt of the family, and has a discharge of the reversion.

Castle-Stewart and his adherents object to Gordon of Cairnfield, in respect that he is only infeft in the half of a forty-shilling land.

"Whereto it is answered that Gordon is apparent heir to Hathorn of Cairnfield, who stands infeft of a forty-pound land

holding of the king; and that he voted on former elections—namely, for Sir Andrew Agnew and Garthland; and, moreover, that he had paid Commissioner's fees."

The Sheriff ruled that Castle-Stewart's party had established the objection.

Sir James Dunbar objects that Sheuchan is not infeft as heir to his predecessors, and that also he should not be allowed to vote, in respect he is under a process of forgery at the instance of the borough of Stranraer.

Lord Basil Hamilton and his adjuncts object to John Stewart of Fisgall, that his infeftment is not good, his predecessors not being legally seised, and that he consequently can produce neither charter nor sasine.

"Whereto Fisgall opposes the public registers," and claims, on the ground of precedent and prescription, showing that he "kept all former head-courts for 38 years bi-past, and represents his father and goodsyr." The Laird of Garthland objected to Neilson of Craigcaffie, and the Laird of Logan objected against the magistrates of Stranraer voting by proxy on a freehold.

Castle-Stewart's party retired in dudgeon on the result of the election being declared; but the Sheriff continued the court, and proceeded to minute the following very important resolution:

"It is agreed by the undersubscribed, that no Commissioner to Parliament this day elected, or hereafter to be elected, shall levy any Commissioner charges, but they shall serve gratis. In witness whereof they have subscribed these presents. (Signed) J. AGNEW, Sheriff; C. HAY of Park; WILLIAM MAXWELL of Monreith; P. M'DOWALL of Freuch; ROBT. M'DOWALL; BASIL HAMILTON of Baldone; ALEX. VAUS; JAS. DUNBAR of Mochrum; A. M'DOWALL of Garthland; WM. AGNEW; ALEXR. M'DOWALL of Corochtrie; JOHN GORDON of Cairnfield."

No meeting of freeholders could have had absolute power to relieve themselves of a payment imposed by Act of Parliament; but, as the candidates eligible for parliamentary honours were very limited in number, an agreement entered into by as many influential persons went far towards settling the question practi-

cally. It is observable, however, that Castle-Stewart's name is not appended, nor that of any of his more active partizans.

The business of the day concluded, the barons retired to do honour to the hospitalities of the respective candidates; and as the cup went merrily round at Baldoon and Castle-Stewart, each party, under the influence of copious potations, felt fully satisfied as to their own prospects of success.

An election petition was necessarily the result.

Castle-Stewart petitioned on the ground that the Sheriff had presided during the election of preses, and that this proceeding being irregular, invalidated the election.

Lord Basil's case rested on the fact, *that two peers had*, in an unconstitutional manner, *entered the meeting* at the time of making up the rolls of the electors.

On the 29th October 1700, the Records of Parliament state, that—

"Two Commissions being produced from the shire of Wigtown—one to Lord Basil Hamilton, and the other to William Stewart of Castle-Stewart, for supplying the place of the deceased Laird of Garthland, late Commissioner for that Shire—and several objections being moved against the said Commissions, it was debated whether the same should be discussed in plain Parliament—*being alledged it concerned the State of the Barons*—or remitted to the Committee for Elections for trial of matters of fact.

"The debate was adjourned, and Resolved—

"That it be moved and resumed the next meeting of Parliament, and both parties appointed to be ready to debate by themselves or their lawyers."

On the 31st of October, it was

"Moved that the double election for the shire of Wigtown be resumed and taken into consideration; and the parties, with their lawyers" (always those lawyers!) "being called, the case was debated, and the instruments produced by both parties read. It was proposed that the first point spoken to should be the alledged *encroachment made upon the freedom of the electors*

by the noblemen and others their coming in and remaining in the room the time of the election.

"It was proposed by others, that the first thing to be considered should be the procedure of the Sheriff of Wigtown, in fining one of the freeholders who was claiming his vote because he would not remove, and in his assuming to be the preses of the meeting. Which alledged encroachment of the Sheriff being first in order, should be first considered; and a debate having arisen anent the state of the question, the same was adjourned to the next meeting of Parliament."

The Estates appear now to have apprehended that the two Lords impugned, as well as the Sheriff, would bring up their various partizans, and that the matter would probably be decided on grounds of private rather than of public interest; and considering that the true question before them was to decide between Lord Basil Hamilton and Castle-Stewart—and not to place Lords Galloway, Stair, and the young Sheriff upon their trial—the leaders of Parliament resolved that none of these three should be personally inculpated, and that the inquiry as to their conduct should be only made use of for the purpose of laying down the law definitely for the future; hence at the date appointed—November 2—we find the following report:—

"Former debate resumed.

"A motion made, 'That the enquiring into the encroachments complained of in the election of the shire of Wigtown *is not for censuring any persons therein concerned*, but only in order to a regulation by law for the securing the freedom of elections, and for annulling of those elections, or either of them as accords.'

"Motion read, and voted, and approved *nem. con.*; and immediately signed by the Lord Chancellor.

"Then the Parliament proceeded to the consideration of the encroachments complained of.

And after no less than three adjourned debates, it was at last, on the 20th of November, "moved that the Committee for Controverted Elections be appointed to meet and examine the

witnesses in relation to the election of the shire of Wigtown, and ordered that the said Committee meet to-morrow morning."

The Committee, after many days' sitting, made their report to the House. Whereupon—

"After debate, the Parliament determined the matter as follows:—

"By the report of the Committee as to the evidence, *it is proven* by the depositions of David Stewart younger of Physgill, Robert Craufurd of Craufurdstown, and Alexander Campbell, servant to the Earl of Galloway; that the Laird of Physgill did several times desire a preses to be chosen, and notwithstanding thereof the Sheriff was continued by the Barons as formerly; it *seems proven* that the protestation against the Sheriff presiding for choosing a preses was taken before the Earl of Galloway and Viscount Stair returned to the meeting.

"Alexander Campbell depones that he heard Physgill take a protestation that Barons were interrupted by the Sheriff's presiding; and

"David Stewart depones that the Barons did grumble at his so presiding, and desired that the Lords should be called in.

"Robert Stewart depones that the Barons at the foot of the table did all whisper one to another that they would be run down unless the noblemen returned to see the preses chosen; and by the depositions of Alex[r]. Campbell and David Stewart, it seems proven that Mochrum and another were ushing[1] the house when the Lords came in."

On the other hand, the "Lairds of Garthland and Kirrochtree depone that they do not remember any protestation against the Sheriff presiding before he went to make up the rolls; that all acquiesced in the Sheriff's presiding, and took the rolls of him; that Gordon of Grange was fined on account of some ill language that he gave the Sheriff and Lord Basil; upon which the Sheriff, to assert his own rights, made a pretence of fining him, and that he (Gordon) was not only present at the time of

[1] Clearing.

election; but they, and also Patrick M'Dowall of Crichton, depone that Grange did vote for Castle-Stewart.

"It seems proven also by their evidence, that the Earl of Galloway and Viscount Stair came into the meeting at the time of making up the rolls, and that there was a protestation taken against any election until the House was ushed, and *against the Lords being present.*"

On the parts of the Lords, "the Master of Stair depones that old Physgill and another Baron came out, and he heard that they desired the Earl of Galloway and Viscount Stair to come in in the name of the Barons, that they might advise with them whether or not the Sheriff had a right to preside.

"Young Physgill, Craufurdstown, and the Master of Stair, all deponed that they did not hear the said Lords name any person to preside or be Commissioner, or meddle anything in the election. That they took instruments to prove that they had been called in by the Barons, which the plurality of the Barons signed; and further, that they, the said Lords, removed to another room before the question was put who should preside.

"Which his Majestie's High Commissioner, and the Estates of Parliament, having this day heard and considered, they have found, and hereby find—

"That the Sheriff's procedure in manner above mentioned doth annul both the elections above specified, and have declared and hereby declare *that the procedure of the Sheriff, likewayes of the Lords,* at the election of Wigtown, as is mentioned in the above report of the Committee, *was an encroachment on the freedom of the Barons.*"

Thus the candidates for parliamentary honours each unseated his opponent. The writ was suspended altogether for a while, and the only parties who had good reason to be satisfied were the lawyers who had conducted the two cases.

During the course of these proceedings there is this entry in the votes—"Dec. 2, 1700. Prayers read. Rolls called. *Sir Andrew Agnew of Lochnaw excused by his Grace H. M. High Commissioner in respect of indisposition.*"

From the illness thus recorded, the worthy Sheriff, who was now turned threescore years and ten, never recovered; so that he may thus be said to have died in harness at the close of sixteen years continuous parliamentary service.

He had in his day been a witness not only to many changes in the state, but also to an unusual amount of family vicissitude occasioning many changes in his own jurisdiction.

The M'Cullochs and Hannays, who had figured in the Ragman Roll, had disappeared from the list of proprietors. The fortunes of the M'Dowalls had been seriously impaired by fines and confiscations. The Viscount Airds who had ambitiously attempted to obliterate the name St. Patrick, and substitute their own, were themselves now well-nigh forgotten. Agnew of Galdenoch, Hay of Arioland, and Baillie of Dunragit, were ruined in the days of the persecution. Other highly respectable families of less note, such as the Mures of Auchneel, Boyd of Kirkland, Corrie, and more besides, had disappeared altogether. The Earls of Cassilis and the Adairs of Kilhilt, although both families were still wealthy, had ceased to be connected with Galloway, and Baldoon had passed from the Dunbars through the failure of the male line.

On the other hand, the Dalrymples, who before his time had rather belonged to Ayrshire, now occupied a prominent position amongst the Galloway proprietors. The Maxwells had greatly advanced in wealth, and the Laird of Monreith stood high among barons of the first class. Whilst the Stewarts, who had for three centuries been powerful, had not only managed to weather the stormy period, which had impoverished so many of their neighbours, but had distanced all competitors for power, and the Earl of Galloway had become by far the most influential proprietor in the county.

The Sheriff had had his full share of anxiety and adventure: born at the accession of Charles I., educated in the days of civil war, married under the rule of Cromwell, he had hailed the Restoration only to rue the day when he had done so. At one time a Sheriff and a member of the Estates, at another a homeless

wanderer; fined and insulted on his own domains, his tenants subjected to every indignity, he yet lived to see his people contented, the country fast recovering from former dilapidations, and the principles for which he had been persecuted triumphant. We may well suppose that in his old age he sometimes thought with complacency of his having represented his native county in the grand convention of 1689; and felt thankful to have been permitted to take a humble part in those deliberations which ended in establishing the Protestant succession; an act which forms an era in our national history.*

* A deed signed by the Sheriff's daughter and his son-in-law, conclusively proves that Sir Charles Hay of Park was *not*, as is generally stated, a *son* of the previous proprietor, Sir Thomas Hay.

"I, Sir Charles Hay of Park, Baronet, with speciall consent of Dame Grissel Agnew, my spouse, executrix confirmed to the deceased Sir Andrew Agnew of Lochnaw, her father, and I, the said Dame Grissel Agnew, by thir presents, exoners and discharges Sir James Agnew of Lochnaw, Sheriff of Galloway, lawful eldest son and heir of the said umquhile Sir Andrew Agnew his father, of all debts, sums of money, etc. etc.

"At Lochnaw, 4th December 1703, before Mr. Andrew Ross, clerk to the regality of Glenluce, and Mr. James Fraser, chaplain at Lochnaw."

Grissel Agnew was grand-daughter of Sir Thomas Hay of Park, her mother being his daughter; therefore had Sir Charles been Sir Thomas' son, as said, "Dame Grissel" his spouse would also have been his niece!

CHAPTER XXXI.

THE ELEVENTH HEREDITARY SHERIFF.

We have the noble Stewarts, and they have lived here
For more than the space of four hundred year;
Dalrymples and Agnews and Murrays so gay,
M'Dowalls and Gordons, and likewise Park Hays.

SONG OF SEVENTEENTH CENTURY.

ON the Eleventh Sheriff's succession, the influence of Lord Galloway was already so strong, that he found it useless to aspire to the representation of the county which had been enjoyed by his family for so many generations, and gave way to John Stewart of Sorbie, son of the third and brother of the present Earl of Galloway, who consequently succeeded his father. William Stewart of Castle-Stewart had also been returned unopposed for the second seat which he had previously contested, his former opponent having come to an untimely end. Lord Basil Hamilton was riding near Newton-Stewart with his brother the Earl of Selkirk, and on nearing the Minnoch, a small burn, they heard that it was unusually swollen from rains in the hills. Their servant rode forward to try the ford, but his horse slipping in the stream, the man was dismounted and appeared in imminent danger, when Lord Basil gallantly dashed in, seized the drowning man, and was in the act of rescuing him from the flood when his own horse fell, and both master and man were borne down by the torrent; his brother looking on, but able to give no assistance.

Lord Basil was an intimate friend of the Sheriff, congeniality of tastes and pursuits drawing closer the bonds of relationship existing between them. Though only thirty years of age when this sad accident occurred, he had already been a useful man in his generation.

The year before his father's death, the Sheriff's second daughter, Margaret, married Colonel Agnew of Lochryan, then major and brevet lieutenant-colonel in the Scots Greys; and the Earl of Galloway, and Alexander Maxwell younger of Monreith, were both married to daughters of Lord Eglinton, and nieces of Lady Mary, the Sheriff's wife.

Sir William Maxwell was a great ally of the Sheriff's, assisting him in various disputes relative to superiorities purchased from Lord Cassilis in 1701, concerning which there are some very bulky documents; as also touching various marches between himself and Lord Stair, in which case also we find that "the Sheriff of Galloway and the said Lord Viscount of mutual consent remitted to Sir William Maxwell to take the depositions" and act as umpire.

The Sheriff energetically followed out the course of agricultural improvement, which his father, in association with Lord Stair, Lord Basil Hamilton, and Sir Charles Hay, had commenced.

The new school of cattle-breeding proprietors, which had been inaugurated at Baldoon, set great store by hay, and in the then state of the country, bog-hay was an article of no inconsiderable value. Hence, Sir James's eyes being directed to the sheet of water flowing below his terraces, ornament or sport seemed as trifles to a field of hay; and the thought having once occurred, all his efforts were turned to the accomplishment of his wishes. By dint of great exertions, a deep cut was made in the direction of the old mill-race behind Drummullin Hill, by judiciously deepening which the lake at last yielded to his energy.

There were then three lakes in the neighbourhood. The one in question—the White Loch—formed by nature to be the chief ornament of Lochnaw, for more than a century after Sir James' operations, remained an eyesore as a boggy meadow, until, in 1812, the late Sir Andrew Agnew restored it to its watery honours. There was next, the Black Loch, a picturesque wild tarn, with gorse and heath tangled along its rocky edges, which are partially clothed with brushy wood; and this still remains. A third—the Grey Loch—almost inaccessible from swamps, and

neither wholesome nor picturesque, was left untouched by the Sheriff, or more probably defied his unscientific efforts, but has now been entirely removed by modern drainage and brought under cultivation.

Sir James, whose desire for material improvements entirely extinguished any veneration for antiquity, having thus gained an access to the old King's Castle of Lochnaw, which had stood unmolested in its semi-ruinous state for three hundred years and more, now determined to turn its material to account for his own purposes.

Though the access was bad, and it is notorious that it is harder work to pull to pieces those old fortalices than to quarry fresh materials, some small quantity of ornamental stone was sufficient temptation to this Vandal. He set perseveringly to work; spoiled every window and door-jamb; blew out the rubble work; and with his spoils rebuilt a wing of his own abode, as well as stables and sundry other offices, and then used up the refuse in forming dykes. Thus this interesting relic of former times, as well as the pretty lake which had so long protected it, simultaneously disappeared from the scene; and this was yclept "improvement!"

Sir James, entirely unconscious of the enormity of his crime, was careful to record the date of his misdoings; over the buildings he restored—the materials for which were so wickedly obtained—are engraved in large characters his own initials, and those of Lady Mary Montgomery, and the date 1704.

The same year we find a commission signed at Lochnaw, 9th May 1704, by Sir James, as Sheriff of Galloway, giving powers to "Andrew Ross of Balsarroch as his Sheriff-depute, and by virtue of a precept from the Court of Chancery to infeft John, Earl of Stair (heir-male served and retoured to umq^{le}. James Viscount of Stair), in the lands of Mark and Ashendarroch in the parish of Inch; the lands of Torhous Muir, *alias* Balmeg, in the parish of Wigtown; the barony of Ardwell, etc., and the lands of Threave in the parish of Penninghame."

We are thus introduced to the Rosses, who were probably

relatives to the first Lady Stair: there were two branches of this family in Wigtownshire during the eighteenth century, who acquired the small properties of Balsarroch, Cairnbrock, and Balkail. The elder was appointed by Sir James his depute; the junior was factor to Lord Stair. The first was progenitor of Admirals Sir John and James Clark Ross, the well-known arctic voyagers; and the latter of General Sir Hew Dalrymple Ross, a distinguished artillery officer, still living, who has filled with much credit to himself various responsible situations during his long military career.

Early in 1705, the Sheriff parted with his eldest son, who at the age of seventeen joined the army in Flanders as a volunteer. The Sheriff did not seek to control his son's zeal, roused to a boiling pitch by the news of the victory of Blenheim. Pleased at the idea of the boy's winning his own spurs, he supplied him with a moderately well-filled purse, whilst his mother, along with her blessing, furnished him with an introduction to the Duke of Marlborough, obtained through her brother, Lord Eglinton (then a Privy Councillor); as well as other letters of introduction.

Thus furnished, the youth embarked, and reached the camp in Germany in safety, where he attached himself to "the Royal Grey Dragoons."

At the mess of this distinguished corps he met many friends from Galloway—his brother-in-law, Colonel Agnew, was major, whose brother Thomas also was a captain in the regiment, and among the subalterns were the young Laird of Mochrum, George Dunbar, as well as John Dunbar, his youngest brother.

Within a few weeks of his arrival he received, to his no small gratification, a commission signed by the Duke of Marlborough in camp at Rastad, on the 11th of May 1705, appointing "Andrew Agnew to be cornet of that troop in Her Majesty's Royal Regiment of Scotts Dragoons commanded by the R^{t}. Hon^{ble}. the Lord John Hay, whereof Major Andrew Agnew is Captain." (Majors and lieutenant-colonels in these days had each their nominal troops and companies, for which they received the contingent allowance.)

After various marches and counter-marches during the summer, and having gone into winter-quarters in Dutch Brabant, the young Laird of Lochnaw was thoroughly initiated in the mysteries of drill, and had become a good dragoon, showing from the first a tact for the service, which ingratiated him with his commanding officers.

As the Greys bivouacked on the evening of the 22d of May 1706, they received an order to advance that very night, and feel their way cautiously to the front. Young Agnew mounted his charger as he turned out at one, the appointed hour, in no little excitement at finding himself likely to be in actual presence of the enemy for the first time.

The Greys advanced silently and unopposed, in extended order, their patrols sweeping over the undulating ground on either side; the whole Allied army following them after the interval of a few hours.

As morning broke, a thick mist rendered distant objects imperceptible, and the dragoons drew up on the crest of the rising ground at the heights of Miersdorp. Here they halted for rest and refreshment, a thick fog hanging over the plains below; and as this slowly rose, they saw the whole French army before them in position at Ramilies.

Orderlies quickly carried the intelligence to the rear; Marlborough hastened his march, forming the order of battle as he advanced. The first formation was to the left of the Greys and Royal Irish Dragoons, who received orders to stand fast: whilst the centre moved forward to the attack.

At half-past one a volley of artillery roared along the whole line; and a magnificent military spectacle was presented to the eyes of the young cornet as he gazed with a beating heart at the stirring scene below; where the action became general.

Suddenly an aid-de-camp dashed up to Lord John Hay, his colonel; the trumpet sounded the advance, and immediately afterwards the Greys "prepared to charge." A range of swampy ground separated the British from the French cavalry. The French considered themselves protected from cavalry attacks; but to Scotchmen a bog was no very serious obstacle. The Agnews

and Dunbars soon showed the way through the morass, as became true sons of Galloway; and the eager squadrons engaged in a short but terrible struggle with the enemy, whom they completely routed.

The Greys next charged madly into the village of Autreglize, sabred the infantry in the streets, and coming suddenly upon the French king's own regiment of foot, that magnificent corps surrendered *en masse*, giving up their colours to the victorious Scotchmen.

Leaving a guard over their prisoners, they dashed on further in pursuit, when the Frenchmen, breaking their parole, made a sudden attempt to regain their liberty, and partially succeeded in recovering their arms. A messenger, despatched by the officer in command of the small detachment, happily succeeded in overtaking the main body of the Greys in time; "Threes about!" was the word, and the dragoons, galloping back to their rebellious prisoners, cut down all who attempted a defence.[1]

The battle was now over, and the Greys commenced to prepare their camp. Their first care was for the wounded. Among those carried to the hospital-tent was an interesting and comely young soldier known as "The Pretty Dragoon," and considered one of the model men of the corps.

Some of the young officers soon after hastened to inquire after their favourite, when great was the astonishment on their bringing the news that the doctors had discovered the horse-grenadier to be a lady.

Her story is so perfectly authenticated that it deserves repetition. This woman's father was a brewer in Dublin, and

[1] An officer, who was present, writes thus,—

"When the dragoons faced to the pursuit of their army, they (the Regiment du Roi) attempted to take up their arms again, for which they dearly suffered by the same dragoons."—Milner's Journal, *London Gazette*.

The official account is as follows:—

"Our dragoons, pushing into the village of Autreglize, made a terrible slaughter. The French king's own regiment of foot, called the Regiment du Roi, begged for quarter, and delivered up their arms and colours to Lord John Hay's dragoons."—*London Gazette*, 1705.

sufficiently wealthy to have been able to equip a troop of horse for Cromwell from amongst the men in his employment. He somewhat overstepped his means in his enthusiasm, and falling sadly into disgrace at the Restoration, he sank so far in position as to become a simple publican. His house, nevertheless, was moderately prosperous; and at his death the business was carried on by his wife and this daughter, who engaged a waiter named Christian to collect their debts, who gained their entire confidence, and married the heiress of the inn (the lady who now lay wounded).

One unlucky day, her husband, having collected a large sum, was enticed on board a man-of-war in Kingstown harbour; was made drunk, induced to play, lost all his money, and was then impressed. In vain he protested; they did strange things then! but finding it quite impossible to make a sailor of the barman, he was landed in England, though only to be handed over to a recruiting sergeant, there to be enlisted as a soldier in the 1st Regiment of Foot. He wrote home, but his letters were intercepted; and when at last he found means to communicate his new profession to his wife, he could not manage to tell her his whereabouts. By a strange freak, she at once donned man's clothes, and in hopes of finding her husband, she enlisted in a marching regiment. But she soon became so fond of the service that she exchanged into the Scots Greys, mastered the duties of a soldier's calling, and became a first-rate dragoon. She was wounded at Schellenberg, fought at Blenheim, and had a duel with a foreign non-commissioned officer, in a dispute as to a mistress. One day, as she rode on escort guarding French prisoners, she suddenly recognised her husband seated before a wine shop, and making fierce love to a German belle. She was so mortified at this, that, though she discovered herself to him, she declined to return under his protection; but made him a small present of money under a strict promise that he would keep her secret, and that they should pass as brothers. Our heroine's own account of her discovery after Ramilies is this:—

"I escaped unhurt through the hottest of the battle till the

French were entirely defeated, when an unlucky shell from a steeple on which they had planted some mortars struck the back part of my head and fractured my skull. The surgeons in fixing my dressing saw my breasts. The news spread far and near, and reaching my Lord John Hay's ears, he came to see me, and my Lord called for my husband. He gave a full and satisfactory account of our first acquaintance, marriage, and situation. My Lord seemed very well entertained with my history, and ordered that my pay should be continued while under cure."

The young officers were so delighted with the story that they determined to have a regimental wedding. As soon as the Pretty Dragoon was sufficiently recovered, a fête was given to the whole regiment, attended by many other officers in camp. The marriage-service was performed over again; Brigadier Preston furnished the wedding dress; Lord John Hay presented a fine outfit of linen; and all the other officers sent presents. The service read, Lord John saluted the bride, and restored her to her husband with a handsome compliment. The young officers claimed the privilege of kissing the bride, each dropping a piece of gold into her hand; dancing and supper followed—never a merrier wedding!

Mrs. Christian, now able to buy a horse of her own, turned sutler to the regiment, and was well known to the whole army for her stock of the best wine and brandy in the camp; and so great was her fame as a cantiniere, that she was sometimes allowed to pass the enemy's pickets, and was well received in the French camp, where she managed not only to dispose of her wares at good profit, but also to pick up various items of intelligence which were more profitable still.

Her husband was killed in the next campaign, but though she pathetically mourned his loss, she felt her position lonely, and marrying a grenadier, continued her vocation. Again by the fortune of war she was deprived of her helpmate; but, used to such trials, she soon was comforted, and married a certain Sergeant Davis, whose name she has immortalized, being known to history as "Mrs. Christian Davis."

After the peace Mrs. Christian Davis returned to England, where, her fame preceding her, she was graciously received by Queen Anne, before whom she had the honour of narrating her wonderful adventures, and thereafter of receiving contributions from all the members of the royal household. The queen admitted her husband as a sergeant pensioner at Chelsea, and settled a pension on herself. Thus secured from want, the lady lived to a good old age, and died on the 7th July 1739, when she was buried with military honours by the authorities at Chelsea.

Soon after the battle of Ramilies Lord John Hay died of fever, and was succeeded in the colonelcy of the Greys by John Lord Dalrymple, grandson of the first Viscount Stair. Thus young Agnew found himself under the command of a Galloway neighbour, and as far as was compatible with some disparity in years and military rank, an intimacy commenced which continued uninterruptedly for forty years. Through the interest of Lord Stair, the celebrated Colonel James Gardiner, then a youth, was about the same time appointed to a cornetcy in the Scots Greys.

After various marchings and counter-marchings, and various affairs of more or less note, the Greys bore a part in the sanguinary battle of Oudenarde in 1708; and when the French at length retired after this severely-contested action, they bivouacked on the field of battle—next morning, at break of day, our Galloway dragoons being in their saddles again and in full pursuit of the enemy.

The young Laird of Lochnaw was already "a character" in the camp; cool in action, full of fun and humour in quarters, and eccentric withal, he early attracted the favourable notice of his superior officers.[1]

One day he was detailed in orders to command a burial party, which with others from various corps marched to the scene of an

[1] "It was in these campaigns," writes Chambers, "and under such training, that besides being a skilful and successful officer, Sir Andrew Agnew became distinguished by those deeds of personal daring as well as eccentric peculiarities of manner that long made him a favourite in the fireside legends of the Scottish peasantry."—*Lives of Eminent Scotsmen.*

engagement of the day before, and commenced their melancholy operations. As he strolled over the battle-field, his orderly came up to him in great perplexity. "Sir," said he, "there is a heap of fellows lying yonder who say they are only wounded, and won't let us bury them like the rest, what shall we do?" "Bury them at once," replied young Agnew, without moving a muscle of his countenence; "for, my fine fellow, if you take their own word for it, they won't be dead for a hundred years to come." The man saluted, and as his notion of military discipline centered in the one idea of implicit obedience, off he started in all simple-mindedness to obey the order to the letter; indeed, he was actually proceeding to do so when the eccentric cornet, who, with his apparent impassibility, had his eyes in all directions, despatched a counter-order just as his joke was on the point of being carried further than he intended.

After forming a part of the covering army at the siege of Lisle, the Greys, towards the close of the year, went into winter-quarters in Flanders, and Cornet Agnew received a short leave of absence which enabled him to spend the New Year at Lochnaw. A little before this the Sheriff, his father, had received the subjoined unpleasant letter from his agent in Ireland:—

"Kilwaghter, 17th August 1704.

"Honoured Sir,—I thought to have done that with your people which now I dare not, for though I should distrain them, I can make no money of their goods. I believe your servant can tell the state of our country.

"I dare not advise you to any sett time for either drawing a bill or sending over again, but let Michaelmass be the soonest.

"I cannot mention here the exact sum of money sent you, for the discharge cannot be filled up till the butter be weighed at Belfast; but I will send an account by the next of the sum. Which with my humble service to your lady and children is the needful at present, from—Your Honour's servant att command,

"To the R^t. Hon^ble. PATRICK AGNEW.

"Sir James Agnew of Lochnaw, in Scotland."

In 1708 the Sheriff himself visited his Irish estates. Writing from the wretched inn at Donaghadee—where he seems to have resigned himself to a long detention—to a gentlemen whose guest he had lately been, he says—

"Donochadie, 24 July 1708.

"Dear Sir,—I am come heir I bless God safe, but am mightilie dissapoynted of my passadge, there being noe boats on this syde, so that I expect to lay here a considerable tyme before I get over.

"I was necessitate to part with the meir I get from you, being both leasie and much given to stumbling, and all I could get for her was four pounds.—Yr. affec. and humble servant,

"J. Agnew."

This letter, coupled with another from a gentleman, in answer to the Sheriff's thanks for hospitality received, shows that these Antrim gentlemen had sometimes the best of the bargain in dealing with their Galloway guests :—

"Antrim, Oct. 27, 1708.

"I do own that my inclinations to pay Sir James Agnew all imaginable respects were and are still very full and good, though the crowd and hurry he was in at Antrim would not allow me to do it in any way worth his remembering, much lest acknowledging.

"If ever it be my fortune to goe into yor country, I shall very cheerfully doe myself the honour of embracing it or any other opportunity of paying my duty to you.

"My Lord Massarcene is concerned to hear y^{t} the mare you caryed from hence inclines to be vicious, and sayes that he never discovered any such temper in her, and therefore is afraid she has been mismanaged by yor groomes."

Discouraged by the difficulties attending collecting his rents, the Sheriff very unadvisedly parted with his Irish estates to his agent Patrick Agnew of Kilwaghter for a very small sum—a transaction most detrimental to the family interests.

The late Sir Andrew Agnew, being anxious to ascertain all the particulars of this unfortunate sale, communicated with a grand-daughter of this very Sheriff, then living and settled in Ireland, who, in 1818, wrote as follows:—

"Sir Stair Agnew frequently conversed with me on family affairs, and more than once respecting the sale of Kilwaghter. It was disposed of by Sir James Agnew to Mr. Agnew for a mere trifle. Sir Stair was told the reasons for this singular transaction were that Ireland was in such a lawless and turbulent state that his factor had great difficulty and personal danger to encounter amongst his tenants, and also that Sir James and Lady Mary were more splendid and expensive than suited their income, and had a large family—no fewer than nineteen children—and were glad of the money."

There appear about this time to have been some symptoms of resistance to enforced attendance at the barons' court. The Laird of Wigg, the Sheriff's baillie-depute at Drummastoun, complained of his inability to pay his dues; whereupon the Sheriff went down himself, with the view of awing the lieges into obedience, leaving this minute in large characters in the court-books:—

> "Court of the Barony of Drumastoun, holden at the New House of Skeog by the Rt. Honble. Sir James Agnew of Lochnaw, Heretable Baron of the Barony of Drummastoun, and William Agnew of Wig, his Depute.
>
> 6 Dec. 1706.

"The Sheriff having heard, seen, and considered a complaint given in by the clerk, that the dues and casualties of Court are in desuetude: For remedy thereof it is statute and ordained that each tenant within the Barony pay to the Clerk two shillings Scots at the two head Courts yearly, and ilk Cottar one shilling Scots; with certification that if they fail to pay the same yearly, they and every one shall be poynded for their amerciament and unlaw. (Signed) J. AGNEW."

Meanwhile the Union with England had been carried into effect, the articles of which were ratified by the touch of the royal sceptre by James, Duke of Queensberry, at Edinburgh, the 16th of January 1707. Of these articles, twenty-five in number, article 20 was a condition satisfactory to the Sheriff and others in the same position—

"*That all heritable offices, superiorities, heritable jurisdictions, offices for life, and jurisdictions for life, be reserved for the owners thereof as rights of property,* in the same manner as they are now enjoyed by the laws of Scotland, notwithstanding this treaty."

The last members for the shire of Wigtown in the Scottish Parliament were John Stewart of Sorbie and William Stewart of Castle-Stewart. Both these gentlemen had supported the whole treaty—which was, however, opposed by Lord Galloway, and strenuously advocated by Lord Stair.

The measure was highly unpopular, as might have been expected. To assist in passing it, the Government sent £20,000 from the English exchequer to be laid out in purchasing support. Much recrimination took place during the debates with respect to this; and some years after, on a change of ministry, the Opposition of 1706 getting into office, made public the list of those who had been bribed with this £20,000, when it was discovered that William Stewart of Castle-Stewart had received £300, and William Coltran, provost and member for Wigtown, £25!

The first members for the Sheriffship in the Imperial Parliament were the Honourable John Stewart of Sorbie for the county, and William Cochrane for the Wigtown boroughs.

The Union occasioned a great concentration of political power in the hands of those whose revenues would admit of a residence in London. Out of a list of about thirty gentlemen who constituted the roll of qualified persons in Wigtownshire, few, excepting the Stewarts and Dalrymples, could now afford to be candidates for senatorial honours.

The money rents of Scotch proprietors were then generally so small that although Galloway gentlemen could with comfort

attend Parliament in Edinburgh, where their means were equal to those of their fellows, they were quite unable to face the immensely increased expenses of a season in London. The Stewarts and Dalrymples were thus enabled almost to monopolise the representation. And power begetting power, the influence of the Stewarts increased so rapidly, that by the end of the century they could return whom they pleased for either shire or boroughs.

So undisputed was their sway, that in the case of the elder sons of the family wishing to sit in the House of Commons (which was not permitted by the articles of Union to the eldest sons of peers) the earls of Galloway could at will exchange the seats for the Wigtown boroughs with any borough proprietor in England disposed to accommodate them.[1]

With the advancement of civilization the value of human life had increased, and every free baron was no longer permitted to assert the rights of "*pit and gallows*," and punish offences against his person or property with death; yet, notwithstanding, a far too sanguinary code still existed, and capital sentences were not unfrequently pronounced at the Sheriff Courts.

In practice, however, hanging became rarer, in Galloway at least; and the two following cases are the last at Wigtown and Stranraer respectively of which we have been able to find any trace among the Sheriff's papers. The first case is written in the Sheriff's own hand, commencing with the summons:—

"Sir James Agnew of Lochnaw, Baronett, Sheriff of Wigtown, to my officers, greeting. For so much as the abominable, vile, and

[1] Representation of Wigtownshire.

County of Wigtown.		*Wigtown Boroughs.*
Hon. John Stewart of Sorbie	1708	William Cochran.
Hon. John Stewart of Sorbie	1710	William Cochran.
Hon. John Stewart of Sorbie	1713	Sir Alexander Maxwell.
Hon. John Stewart of Sorbie	1714	Patrick Vaux.
Hon. John Stewart of Sorbie	1722	Hon. William Dalrymple.
Hon. Wm. Dalrymple of Glenmure	1727	John Dalrymple.
Hon. Wm. Dalrymple of Glenmure	1734	Hon. James Stewart.
Hon. James Stewart	1741	Hon. William Stewart.
John Stewart	1747	Hon. James Stewart.

filthy crime of bestiality being so odious and detestable in the presence of Almighty God, and by his express word so clearly condemned, and by the Acts of Parliament and laws of this kingdom it is ordained that whatsoever person or persons committing the said abominable crime be punished to the death. Notwithstanding, it is of verity, that John Wither, cottar in Garthrie upon the 3d of August instant 1708 most shamefully butt fear of God (was guilty of the same, the details here given at length are unfit for publication); and for evidencing thereof John Wither hath already confessed his crime judicially before me and my Deputy; and therefore the said deponent ought to be punished with confiscation of life and goods, to the terror of others: Therefore my will is, and I charge you, that ye cite the said deponent to compear before me or my Deputy in the Tolbooth of Stranraer upon 27 day of August instant.

"Given at Stranraer 12 of August 1708."

Appended is a paper containing a full confession by the prisoner. The Court assembled accordingly, the assize was struck, and having chosen Mr. William M'Dowall chancellor—

"They all in one voice, by the mouth of the said chancellor, (or foreman) finds and declares John Wither, panell, guilty of the haill articles of the Judgement. Whereupon the Sheriff decerns, adjudges, and ordains the said John Wither to be taken to the Ordinar place of Execution upon the Meith of Park, upon the road to Portpatrick, upon the tenth of September next to come, and there, betwixt the hours of two and four in the afternoon, to be hanged upon a gibett until he be dead, and thereafter to be interred at the gallows foott. And this is given for doom and sentence."

The other case occurred in the following year. On the 3d of August 1709, Patrick Clanachan was arraigned at the Sheriff's Court for horse-stealing, "and he being personally present and the horse stolen being also produced as *red hand*, and the said Patrick Clanachan confessing the crime, and the inquest and assize being set and enclosed be themselves, they all with one consent *nemine contradicente* found the said Patrick Clanachan guilty."

The doom was then pronounced by the Sheriff-depute. "The said Patrick Clanachan is remitted to the Magistrates of Wigtown to be taken upon the 31 August instant, betwixt the hours of twelve and two in the afternoon, to the gyppet of Wigtown, and there to hang till he be dead."

A social feature of Galloway life in these days was the most determined smuggling. The country people awowedly sympathised with the smugglers, who were the heroes of rural life. The gentry more cautiously patronised them not a little; and it may be doubted whether even Sheriffs and their deputes rigorously abstained from polluting their tumblers with liquors which had paid no duty. Apropos of these ways, there is a story told of Maggie M'Connell, the guidwife who, as a girl, had seen King William's fleet sail out of Lochryan, and who lived until the year 1790 and the 111th of her age.

A few miles from Lochnaw, close to where a beacon now warns the sailor of a dangerous sunken rock called "the Laggan," is the little harbour of Dallybay. Here, one day early in last century, some smugglers had landed a cargo of their usual wares—such as brandy, wines, and tobacco—and these they had carried up the hill of South Cairn, waiting till a band of volunteers arrived with a string of pack-horses to transport them inwards for distribution.

The custom-house officer in charge of the district received information of their doings, and hurrying to the spot with the only coast-guardsman disengaged, he promptly effected a seizure of the whole goods.

The smugglers skulked off; and the one coast-guardsman was sent back to press men and horses in the king's name to convoy the precious capture to Stranraer.

The officer, pluming himself not a little on his alacrity, sauntered sentry-fashion round and round his prize, which lay heaped before him in rich profusion; his sword and a brace of formidable pistols by his side. Presently Maggie M'Connell approached the great man, wishing him a good morning, to which he affably replied, and accepted Maggie's proffered hand. He had

unwittingly sealed his own fate! His arm was thrust upwards, and at the same instant he was encircled by the syren's arms, and with a heavy fall was thrown helplessly upon his back. Maggie then sat coolly down upon her victim, and having placed her apron over his eyes, she held him firmly down as if bound in a vice. In vain he struggled; he coaxed and threatened her by turns; he shouted for help in the king's name, and for a moment his hopes ran high; footsteps approached; he roared louder and louder, but no friendly voice replied.

At last, but only when it suited her pleasure, Maggie released him from her grasp. But oh the vanity of human hopes! when he looked up not one of the articles lay in its old place as he had himself seen them just before upon the ground; a few cows grazed unconcernedly hard by, but not a soul was within sight. By and by his companion reappeared, but only to find the head-officer *tête-a-tête* with this Galloway matron, who bidding him adieu, disappeared without further loss of time, wishing them both a pleasant ride into Stranraer.

At this time the property of the Baillies of Dunragit passed to a cadet of the family of Stair. Its representatives had fallen into very poor circumstances, of one of whom we find a notice amongst the Sheriff's papers.

"Barbadoes, Aug^{t}. ye 26, 1711.

"Honourable Sir,—I don't doubt but this may be amusing enough, to receive an epistle from one so much unacquainted with you, or the manner of scraping a correspondence with one of such distinction as yourself; however, if you'll take it as it is, rude and unpolished, the sequel accounts for the reason, which is—

"A gentleman honoured with a ministerial dignity, and qualified accordingly, came lately very largely recommended to this island by my Lord of Londoun, and in very short time came in a rector to a country parish wherein I have some interest; and because he was not born to cringe and bow, there are some colonels in his parish that have become his enemies; and he not being a proper object to be imposed upon (so that they are

not able to quarrel with his parts), they have forged a childish story of him; yt he was born in Ireland and that his father was a pedlar there. The design whereof is to make the world believe that a man who will deny his country will be guilty of anything.

"The young gentleman's name is Mr. Andrew Baillie, Jr. I must in a few words tell you what I think of the young gentleman.

"I look upon him to be of a good life, and severely temperate, for which these two gentlemen hate him. Hs is modest and diligent in his duty, and, in a word, wonderfully capable to account for his religion to the convincing of gainsayers, and preaches as well in conversation as in the pulpit; so that if there be truth in what he advances, which I am ready to believe, you and we both may be proud of him, having few sent us that are gentlemen and scholars too.

"He tells me as a secret that his two grandmothers were daughters of your family, and his grandfather by the mother's side was a son of the house of Garthland, two very ancient houses, and which reflect honour upon the generality of familys in ye shire. This he told me as a secret, because he does not value himself upon that score, being of late more of Juvenal's opinion, 'Virtus est sola nobilitas.' When they ask him in banter if he is a gentleman (because Scotchmen are always proud), he modestly declines the name, by telling them 'he was never rich, and therefore could not be a gentleman till he had the gown;' and then he believed none that were civil would renew the question. This is a taste of his conversation, and it is all so at occasion (or more agreeable) but charming to me.

"What you'll please to write me in return with respect to his parentage and place of his nativity, I will justify in opposition to all who dare advance the contrary; for I have embarked myself in his interest, and will follow my own inclination when I stand his friend.

"This your return will be but common justice to your

deserving kinsman, but will (also) singularly oblige, honourable Sir,

"Your most humble and obedt. sert.

"DANIEL HOOPER."

"Sir James Agnew of Lochnaw, Knight
and Baronet, near Stranrauer in
North Brittain."

To this letter the Sheriff replied as follows:—

"Lochnaw, 19th Nov. 1711.

"Worthie Sir—I was favoured with yours of the 26th of August, and am most sensible and thankful for the freindship ye have showin to my kinsman; and ye have acted a more generous part and more becoming your character than those oyr gentlemen who make it their endeavour to traduce and maligne him. If he were of a meaner birth, and less eminent in his oyr good qualifications, perhaps he would be more agreeable and acceptable to them.

"Believe me, that what he has suggested to you is verie treu; for his grandmothers were both daughters of my family, and his grandfather by his mother's side was a son of the family of Garthland, who are not the meanest families in this kingdom. And that his father is a pedlar, and he himself born in Ireland, is both fictitious and false, (he) being born and educat in his more younger years within three miles of my house.[1]

"It's most pleasing to me to have a confirmation from you of his virtuous and pious lyfe; and that he is progressive in oyr good qualities in relation to his ministerial functions, I heartily wish for, as I doubt not of the continuance of it.

"I cannot express or make language of the sense of the obligation I am under to you (as all his oyr friends heir are) for the respect and justice ye have done to my cusin Mr. Andrew Baillie. I should be proud of an opportunity to do you

[1] At Innermessan.

service; and in the meantyme accept of the dutiful respects of, Sir, Your most humble and obliged servant,

"J. AGNEW."

"Mr. Daniel Hooper, per Mr. Shielding,
at the signe of the Dyall, at ye
upper end of Drurye Lane, London."

The last of the Baillies who owned Dunragit was Alexander (whose service before the tenth Sheriff we noticed in 1681); this Alexander was drowned whilst still young, leaving an infant son Thomas. A story is told against the first Earl of Stair, always the *bête noir* of Galloway tradition, that, professing an interest in the boy, with seeming kindness he took the family papers to look over. In due course, when Thomas Baillie came of age and expected to enter into undisputed possession, to his dismay he found his property owned by Lord Stair, who had obtained a charter of Dunragit for himself. The young man in vain endeavoured to recover his papers, and at last took proceedings at law, but completely failed. To recover Dunragit became the object of his life. He ranged backwards and forwards between his old haunts and his lawyer's offices in Edinburgh, till, on one occasion, in crossing the ferry of Cree, his boat upset, and he lost his few remaining papers which he was carrying to Edinburgh; dejected and drenched, he turned into a roadside inn, and there died of a broken heart. Without vouching for the accuracy of this story, we give it as told by a representative of the wronged man, who added, "such things were thought nothing of in years past."

Meanwhile the young laird, having spent a few weeks at Lochnaw, prepared to rejoin his regiment. A curious record fixes the time of his departure. He was on the eve of starting, and enjoying his last day's shooting, when he came upon two trespassers or poachers, who were at once taken into custody by his order. The following day they were produced before a justice-court, the summary proceedings of which were truly, to use an American phrase, "quite a caution."

"Stranraer, 1st of February 1709.—Convened of the Justices of Peace within the shire of Wigtown.

"Sir James Agnew of Lochnaw, Sheriff of Wigtown;
Patrick M'Dowall of Freuch;
Robert Agnew of Seuchane;
Andrew Fordyce, Provost of Stranraer;
"Who elected the Laird of Freuch preces.

"The whilk day Cornett Andrew Agnew, in Her Majesties Royal Regiment of Dragoons, commanded by the Erle of Stair as Collonell, having seized the persons of John and James Deviesones, brother germans, and this day conveined them before the above-named justices of peace in ordour to serve Her Majesty as soldiers, being idle vagrant persons: And the justices required the said John and James Deviesones to propose and give in their reasons why they shall not serve Her Majesty in the army, and for that effect granted them a competent tyme; yett, notwithstanding they proposed not nor give in no reasons to the end foresaid:

"Therefore the above-designed preses and justices having considered the same, doe approve seizing the said John and James Deviesones as vagrant idle men; and ordayne them to serve the said Cornett Agnew in the foresaid Royale Regiment or otherwise.

"And both of them to be secured for that effect, the articles of war being read to them. (Signed) "JAMES AGNEW."

Whether the cornet and his batman escorted personally his two recruits in triumph to the Allied camp or not, family records do not say; but after this feat of civil service he hastened off to resume his military duties.

After serving in the field during the spring and summer at Ypres, and the siege and capture of Tournay, the Greys crossed the Scheldt in September, and after some skirmishing in the woods of La Merte and Taniers, took part in the severe action before the latter place, generally called the battle of Malplaquet. One incident of the fight, as gallant and more successful than the

far-famed death-ride of Balaclava, was often looked back to by Cornet Agnew, when, as a veteran, he recounted his boyish adventures.

The Greys and Royal Irish Dragoons charged a line of French cavalry and completely routed them, and were advancing impetuously, their formation much broken, when suddenly they found themselves opposed to the French Household Brigade. These chosen troops, magnificently mounted, and their bright cuirasses glittering in the sun; equally brave and much fresher than themselves—their trumpets sounding the charge, bore down furiously upon them in the closest possible order. The British met them with equal eagerness; there was an awful crash, and each opposing squadron had charged through the other's ranks. Both lines reformed, and returned to the encounter; and it is credibly related that the two lines charged eight times through each other—a feat unparalleled in modern war.[1]

Both parties suffered severely; neither was entirely vanquished; but after the eighth attack the French cuirassiers drew off.

The Duke of Marlborough, who had witnessed with admiration this notable feat, thanked the two regiments—the Royal North British and the Royal Irish Dragoons—both in person on the field, and in general orders. And in the camp the heroes of this encounter got a far greater share of applause for their conduct than the Duke himself, who received but little credit for this rash and bloody engagement.

It is true that forty stand of colours and sixteen guns were trophies of the fight; but the British nation hardly thought these an equivalent for twenty thousand of their bravest troops, interred uncoffined upon the plains of Flanders.

Lord Dalrymple, now the Earl of Stair and a major-general, conspicuous by his daring and efficiency, escaped unwounded, after mingling in the hottest of the fray. The Greys lost thirty-one officers and men, amongst whom was the younger of the two Dunbars.

[1] Cannon's *Official Military Records of the British Army.*

In the autumn, the Duke of Marlborough returned home, where he received the thanks of Parliament; and soon let it be known that he had not forgotten the charge of the Greys at Malplaquet.

Very shortly afterwards, as Cornet Agnew was vegetating in winter-quarters at the small town of Tiel, and reflecting, perhaps somewhat despondingly, on his prospects of promotion, a packet was placed in his hand, which proved to be from the duke himself, enclosing a commission, appointing "Cornet Agnew to be captain in the regiment of foot commanded by the Right Honourable Lord Strathnaver,"[1] dated from St. James, 9th December 1709.

This was probably the happiest moment of the young soldier's life, as he thus suddenly found himself, in a manner exceeding his most sanguine hopes, raised many steps on the ladder of promotion, having passed at a single bound the whole intermediate grade of lieutenant. He did not take leave of the comrades of many a hard-fought field without some feeling of regret, but joy certainly predominated in his breast, and quitting the lines of his old corps he at once reported himself at the head-quarters of his new regiment, with which he was actively engaged in various manœuvres in the Low Countries and on the Rhine, until the peace of Utrecht in 1712, when it was disbanded.[2]

[1] This was the second battalion of the 10th regiment.

[2] If we have wandered rather far from Galloway in following the fortunes of the Scots Greys, it has been in company with our compatriots. Not only was the young Laird of Lochnaw a member of this corps, but out of three, *two squadrons were commanded by natives of Wigtownshire.* A cavalry regiment in these days consisted of six troops—two troops to each squadron. The field-officers had each a troop under their especial charge, and there were four captains, a captain-lieutenant, six lieutenants, and six cornets, besides the staff. Among the officers of the Royal North British Dragoons were—

Colonel—John Viscount Dalrymple, afterwards Earl of Stair.
Lieut.-Colonel—Andrew Agnew of Lochryan.
Captains—Thomas Agnew;
James (afterwards Sir James), Dunbar of Mochrum.
Cornets—Andrew Agnew, afterwards Sir Andrew Agnew of Lochnaw, Sheriff of Galloway;
John Dunbar.

There is an entry in the Sheriff's record-book of 1711, which gives a complete list of the freeholders of the county at that date as they stood on the roll—in number only twenty-nine.

"Wigtown, 9 October 1711.

"The which day and place, by order and warrant from Sir James Agnew of Lochnaw, heretable Sheriff of the said shire, intimations were made at the mercat cross of the head burgh of the shire and at the respective parish kirks within the same, to the whole barons and freeholders having right to vote in the election of a Member of Parliament, to compear to make up a roll of electors conform to Act of Parliament.

"In obedience whereto the said Sheriff, barons, freeholders and others having right to vote, this day convened and did make up the Roll of the Electors in manner underwritten, viz.—

"Mr. William Stewart of Castle-Stewart, Mr. John Stewart of Sorbie, Sir James Agnew of Lochnaw, Sir Charles Hay of Park, Sir Alexander Maxwell of Monreith, Sir James Dunbar of Mochrum—Baronets. Alex^{r}. M'Dowall of Garthland, Robert M'Dowall of Logan, Pat. M'Dowall of Freuch, Andrew Agnew of Sheuchan, Mr. Alex^{r}. Adair of Drumore, John Blair of Dunskey, Colonel Andrew Agnew of Lochryan, Alex^{r}. Murray of Broughton, John Cathcart of Gainoch, William Agnew of Wig, John Stewart of Fisgall, William Stewart of Castlestewart younger, William Gordon of Grange, Alex^{r}. Agnew of Myrtoun, George M'Culloch of Torhouse, Pat. Coltrain of Drumorell, Gilbert Neilson of Craigcaffie, Alex^{r}. M'Dowall of Corochtrie, John Crookshanks of Craiglaw, Alex^{r}. Houstoun of Cutreoch, John M'Kie of Barrawer, John M'Culloch of Torhouse-M'Kie younger.

"And this we find to be the Roll of uncontroverted Electors. In testimony whereof this is signed, day, year, and place foresaid, by J. AGNEW."

(A number of other signatures following.)

CHAPTER XXXII.

A GALLOWAY DIPLOMATIST.

O I hae dream'd a dream, mother,
I wish it may prove true !
That the bonnie lass o' Lochryan,
Was at the yett e'en noo.

BORDER MINSTRELSY.

THE peace of Utrecht interfered sadly with the military prospects of the Sheriff's eldest son, whose regiment was reduced, and he himself returned to Galloway, a half-pay captain.

Having now nothing else to do, he fell violently in love with one of his own kin, a daughter of Captain Thomas Agnew his old comrade in the Greys, niece of his brother-in-law Colonel Agnew of Lochryan, and grand-daughter of John Dunbar of Mochrum.

There is every reason to suppose that Captain Thomas would have smiled upon his suit had it been delayed for a few years ; but a decided opposition was made to his immediate marriage by parents on both sides, owing to the extreme youth of the lovely Eleanor, who was but just fifteen. The gallant lover, however, was not amenable to reason ; physiological objections especially had little weight with him, and having vainly endeavoured to persuade his lady mother to take his part, he cut short all argument by persuading the fair maid of Lochryan to elope with him, she "not having heart to say him nay."

Slight effort, if any, was made to overtake the runaways, who arrived safely in London, and having qualified themselves by a few days' residence in Westminster, were duly married by licence at the Church of St. Benedict, near Paul's Wharf, on the 12th of May 1714.

Of this union, entered upon so rashly, the young Laird of Lochnaw fortunately had never any reason to repent. Dame Eleanor as a matron was ever after remarkable for her domestic virtues, for her management and her good sense. And in this case a very early marriage was certainly not prejudicial to the health, as the births of eighteen little Agnews were duly registered in the family Bible, and she lived to her eighty-seventh year.[1]

The alarm of rebellion in 1715 occasioned some little anxiety in Galloway, but none of the baronage of the "Shire" were involved in it, excepting Basil Hamilton, the Laird of Baldoon, who commanded a troop of horse under Lord Kenmure, was taken prisoner at Preston, his estate forfeited, and himself condemned to die. Interest was made in his favour, and his life was spared; and in 1732 the attainder was reversed, and he recovered his property; but his commanding officer, Lord Kenmure, less fortunate, was beheaded on Tower Hill the following year.

In consequence of this rising, an augmentation of the army took place, and Captain Agnew was appointed to a company in Colonel Pocock's regiment. This regiment was not, however, much to his taste, and after three years' service, he exchanged into the 21st, or Royal North British Fusileers, a corps which had been frequently brigaded with the Greys during the past campaigns in Flanders. But his exchange cost him, besides money, at least nine years of rank, as he joined this distinguished corps as junior captain in 1718. Lord Stair, being out of favour at court, now resided for some time on his Galloway

[1] In the young laird's marriage-contract, which was *post nuptial*, dated 22d April 1719, is embodied a precept infefting him in his father's lands and offices, and providing a jointure for his wife. The seising specifies, with other rights, "*the salmon-fishing in the Water of Luce*," the expression being "by deliverance of earth and stone of the said lands, and one penny upon the ground as use is, and of net and coble for the said salmon-fishing in place of other symbols." The witnesses are—"Alexr. Murray of Broughton; Colonel Patrick Vaus of Barnbarroch; Sir Alexander Hope of Kerse; Alexander M'Dowall of Garthland; Colonel Andrew Agnew of Lochryan; Robert Agnew younger of Sheuchan. Written by William Reid, scrivener in London, at the direction of Patrick M'Dowall of Crichen, writer to his Majesty's signet."

estates, and entered with energy upon a course of agricultural improvement, to which he was greatly stimulated by the zeal of his neighbour the Sheriff. We find many proofs of the attention paid by both to improving their estates, and increasing the area of cultivation, from various documents containing proceedings of amicable arbitrations between the Sheriff and the Earl, defining the marches of their respective estates in all directions. The old boundaries were simply indicated by large stones standing solitarily at long intervals, and were not sufficiently well-defined now that draining and continuous fencing were in vogue.

Lord Stair planted a great deal for the times, and laid off the grounds at Castle Kennedy in a manner quite unique; consisting of a constant succession of terraces in the Dutch style, on an elaborate plan covering upwards of fifty acres.

There is a local tradition that his regiment was quartered at Culhorn, and that the Government as a matter of economy having ordered the horses to be turned out to grass, the troopers were employed in farm labour; one large field, especially, near the old church of Leswalt, is said to have been drained by fatigue parties of these soldiers.

Lord Stair had married Lady Eleanor Campbell, daughter of Lord Loudon, and widow of Lord Primrose, grand-daughter of the Earl of Loudon, who was chancellor in the time of Charles I., and favourably known in Galloway as having used his influence in favour of the Covenanters.

He was a kind husband as well as a man of refinement, although this in those days was not considered inconsistent with drinking wine on occasions to great excess.

After some such bout, on returning to his room, Lady Stair reproached him, and angry words ensued. Lord Stair, who was very drunk, struck her a blow which drew blood, and getting into bed slept on unconsciously till morning.

Lady Stair, stung to the quick by this unkindness, made no attempt to remove the traces of his violence, and sat weeping all night by the bed-side. Great was the surprise as well

horror of the noble earl on awaking next morning at seeing the bloody and dishevelled figure of his wife, and he anxiously asked for an explanation.

Her simple relation of his own misconduct so appalled him, arousing all his generous feelings, that he solemnly vowed that henceforth he would never drink a glass of wine unless given by herself. It is said that the earl kept that vow with scrupulous fidelity. At his great entertainments, Lady Stair, by his express desire, sat near him, and always filled his glass. When custom obliged the ladies to retire, she allotted him a certain allowance, which nothing would ever induce him to exceed.

In 1715 Castle Kennedy was accidentally burnt during the absence of the family, and it has ever since remained a ruin; by this misfortune many papers of historical value are irretrievably lost.

Lord Stair was soon after appointed ambassador at the Court of France; and here, in addition to his military fame, he developed diplomatic talents of a very high calibre. His social qualities were of the most brilliant order; even the fastidious Earl of Chesterfield turned to Galloway for an example of high breeding: "Lord Stair," he writes to his son, "is the most finished gentleman I ever knew."

At a grand diplomatic banquet in Paris, at which all the great celebrities assisted, supper over, sentiments became the order of the day, and the solar system was suggested as the arena for an encounter of ambassadorial wit.

The French minister rose first, and pompously exclaimed, "We shall drink to my master as the Sun, the light of the civilised world, the centre of the European system!"

The goblets were drained, when the Spanish ambassador, forcing himself next upon their attention, cried eagerly, "The Moon! I ask you to pledge to the King of Spain as the Moon. True, the sun rules at noon-day, but are there not twelve hours when the moon knows no superior!"

All eyes were now turned towards Lord Stair, as it was naturally thought that he had been fairly jockeyed by his colleagues. But his presence of mind never deserted him; he rose

smiling, and without a moment's hesitation said, "Gentlemen, I have now to propose an emblem of the British king in connection with the heavenly bodies;—I give you Joshua, the son of Nun; and let us drink, in a full bumper, to that great captain who bids the Sun and Moon stand still!"[1]

In a picture by Sir Godfrey Kneller—copies of which may be seen both at Lochnaw and at Culhorn—Lord Stair, in full armour, is represented as a general with a division of troops in the background, and beside him sits a dog; and thereby hangs a tale.

While at Paris, he lost a favourite dog, which he vainly endeavoured to recover. Some time afterwards, when travelling in a remote part of the country, he was accidentally detained by the way, and obliged to pass the night at a small inn in a solitary place. His attendants were separated from him, to which he ascribed no importance, finding that they and his horses were tolerably well cared for, and he entered the house, where two apartments were made ready for him, and sat down to supper. He had hardly commenced his meal, when a dog rushed madly in, leaping and fawning upon him, in which, to his great surprise, he found the very favourite he had lost.

Supper over, he prepared to undress; the dog followed into the bedroom; but no sooner did he approach the bed than it seized him by the dress, dragging him backwards, whining and showing such strange uneasiness, that Lord Stair's suspicions were aroused. Instead of undressing, he looked well to the priming of his pistols, girt on his sword, flung his portmanteau upon the bed, and threw himself into a large chair; the dog, perfectly satisfied, couched at his feet. Presently he dozed; he was awoke by the dog jumping upon his lap, and on looking

[1] In Playfair's *British Family Antiquity* this story is given differently. The scene is laid in Holland, and the Austrian ambassador gives the Moon as the "*Empress Queen.*" There are other variations, and the whole seems to be copied from the original celebrated "Joe Miller," as we have seen it in the British Museum. The anachronisms are, however, obvious to any one taking the trouble to observe them. William III., Louis XIV., and Maria Theresa, are made contemporary. Moreover, Lord Stair is made William III.'s ambassador in 1711

up he saw the bed sink silently into the floor. As it still was gradually sinking, with great presence of mind he seized his arms, rushed out of the room before resistance could be made, managed to escape from the house, roused his suite, and returned with assistance; but there was no enemy to fight, the inmates of the house had fled. The police were advertised, and it was discovered that a system of murder and robbery had been long carried on here undetected, from which Lord Stair had been providentially preserved by the temporary abstraction of this dog. The animal now was, of course, a greater favourite than ever, and his master was so much struck by the incident that he had the dog's likeness introduced into this, the best known portrait of himself, and its memory is further perpetuated as the picture has been engraved.

Lord Stair was a great breeder of horses, and kept at Castle Kennedy a stud, not only of Galloways, but also of powerful horses, useful both as chargers and for draught. When in Paris he presented many of the princes and of the chief nobility with horses of the "Galloway brood." These, we are told, were "about fourteen hands high, dapple grey in colour, very handsome, durable, and abundantly fly. They were always given in pairs, and Lord Stair used to remark on these occasions that no man should pretend to make presents when in a foreign country of anything but that which was a product of his own." These Galloways were highly prized, but in this case Lord Stair must have been at especial pains to introduce the grey colour. The pure native breed were bay, brown, and more commonly still *dun*, with a black line across the back, whence the proverbial rhyme—

> "The eel-backit *din*,
> Ne'er lea's his maister far ahin!"

When Louis XIV. was evidently near his end, he used many arts to conceal his state of health from the diplomatic circle. It was the custom, at stated times, for the kings of France to dine in public; and on one of these occasions, Lord Stair presented himself as usual near the royal table. The king

assumed an air of hilarity, and ate of a great variety of dishes with apparent heartiness; saying, in a tone of bravado, "I think I don't eat badly for a man who is to die so soon;"[1] but he overdid his part; and Lord Stair immediately reported his firm conviction that Louis the XIV. had not long to live. It is said that this very excess occasioned an indigestion, resulting in an apoplectic fit a day or two afterwards, from which the king never rallied.

Both before and after the rebellion of 1715, Lord Stair rendered important services in furnishing information, and in opposing the Jacobite intrigues carried on in Paris. He was not to be put off by the equivocations of the French ministers; as a modern reviewer remarks, "diplomacy owes Lord Stair a good deal, for he was the first who acted on the principle of asking boldly for what England wanted, and refusing to be content with less."[2]

Stair having returned to England in the interim, was sent as special ambassador to congratulate Louis XV. on his accession, in January 1718; and his entry into Paris on this occasion made a great impression from its extreme magnificence.

The procession was headed by six and thirty footmen in his Excellency's liveries, *orange* and *blue*. These were followed by six grooms, leading six splendid horses; each horse shod with silver shoes, and each attended by a farrier, who carried spare horse-shoes, all of silver, to replace those that dropped off and were scrambled for by the populace—the shoes being purposely tacked loosely on, in order to display to full advantage Britain's representative scattering wealth as he advanced, and with a lavish hand.

After the led horses rode twelve young gentlemen attachés, followed by twelve pages, all in orange and blue; their liveries richly laced with gold and silver, and their horses caparisoned in showy trappings.

[1] "Il me semble que je ne mange pas mal pour un homme qui devoit mourir si tot."

[2] Fraser's Magazine.

Then came Lord Stair himself in the king's own coach, sent specially to meet him; and behind rode two Switzers, in the Dalrymple liveries, with ornamented arms.

The earl's private "body coach" followed, drawn by eight dapple grey horses, with running footmen on either side. This carriage was elaborately carved outside, it had eight glass windows, and was lined with the richest crimson velvet.

A second carriage, decorated with as much skill as the first, succeeded, drawn by eight mouse-coloured horses, also lined with crimson; but instead of velvet, Genoa flowered damask had been substituted.

Next, a third carriage, termed "his Excellency's calash," lined with green velvet, and drawn by eight bays.

A fourth carriage was lined with crimson-velvet, and drawn by eight brown horses; and his Excellency's fifth carriage came last, drawn by eight jet black horses.

All these carriages were attended by running footmen, and the coachmen, postilions, and lacqueys, wore the blue and orange livery, with Lord Stair's arms embroidered on their sleeves; richly embroidered hats, with plumes of white and blue; rich lacings of gold and silver on their dresses; even their gloves embroidered four inches deep with silver; whilst their linen was trimmed with the richest Flanders lace. Colonel Gardiner, then a captain, was his lordship's master of the horse, and had a principal share in arranging and conducting this grand display.

The procession was closed by many coaches of the English aristocracy, some in his suite, and others resident in Paris, who had come out to do their ambassador honour.

The accounts of all these grand doings gave of course great satisfaction to his Galloway neighbours; some of whom, perhaps, were even more pleased to hear that Lord Stair's chapel in Paris was always an asylum to those wretched Huguenots whom Louis had persecuted with fiendish barbarity, and with whom no nation more sympathised than Presbyterian Scotland.

Some of these poor people having been arrested for crowding to hear a Protestant service, Lord Stair instantly memorialized

the Regent; and followed up his protest with such spirit, that he not only obtained their release, but obtained also permission for them to attend service when they pleased within the precincts of the British Embassy.

An instance of the adroit application of secret service money by the noble earl, gives us a peep behind the scenes sufficiently curious.

Lord Stair had reason to suspect Court intrigues in Europe in favour of the Pretender. The Duchess of Maine was a meddler in all such matters, very clever, and equally circumspect; and had unlimited ascendency over the Regent, who concealed nothing from her. Stair determined to gain her to his interest, which was no easy matter. He purposely lost a large sum of money to her at play, and this put her into good humour; and then subsequently watched her, until he saw with satisfaction that she not only lost the whole, but afterwards far more besides. Stair was always at hand, and, watching his opportunity, constantly supplied her with rouleaus of gold, until the sum reached a very large amount. She had fully intended to repay him, but a continued run of ill-luck put this out of the question; and she had quietly to submit to being in his debt.

Early next morning, the ambassador received a message from the duchess, desiring to see him instantly. He obeyed the call, and in a few minutes he was ushered in alone into the bedroom of a princess of the blood. All had gone exactly as he wished. "My Lord," she exclaimed, "let me entreat you to keep my debt to you a profound secret. I would not have it known for all the world."

"Madam," he replied, "I had already forgotten it myself! pray do me the favour never to mention it again; the secret rests entirely with your Highness; let me entreat you not to put my memory upon the rack." In condescending to accept the favour, for which there was no help, the duchess perfectly understood the return that was expected; and she at once confidentially revealed to Lord Stair that the Court of Sweden meditated, in concert with France, a descent upon Scotland in favour of the Pretend

The louis d'ors had been very well laid out; he instantly acquainted his Court with the full details, and the scheme was entirely frustrated.

Lord Stanhope hardly does justice to his diplomatic talents; but, great as is the prestige of this noble historian, we have him here at a disadvantage.—Facts are stubborn things.

Lord Stair was superseded at Paris by Lord Stanhope's ancestor under these circumstances:—Law, a Scotch adventurer, had, by his celebrated Mississippi scheme (which in the end occasioned such wide-spread ruin), enriched many of the French ministry. He became all-powerful at Paris. Lord Stair had persistently refused all Law's offers, by which he might have been personally enriched, and had vainly endeavoured, in every way, to expose him in his true colours. Law boldly pitted himself against Stair. He succeeded in frightening the English Government, who, considering this man (whom their ambassador called a charlatan), to be a heaven-born genius, went upon their knees to appease him.

Lord Stanhope, a Secretary of State, was sent to Paris to make his humble submission to the schemer, and to remove Lord Stair rather than give umbrage to this man of "bubble reputation."

The noble historian very unfairly places the two antagonists upon a level. "The main object," he says, "of Stanhope's journey, was to re-establish harmony, but finding the *two* Scotchmen irreconcilable, and one supreme in France, he recalled Lord Stair to England."

Lord Stair bore the affront with manly philosophy; he maintained his own opinion; declining to resign, as he preferred that the Government should recal him. With great good feeling, he thus writes to Mr. Secretary Scraggs:—

14th February 1720.

"As to Lord Stanhope, I have ever had a very great value and esteem for him. I am sorry if I have not been able to deserve his esteem.

"What has happened lately, I own to you, has piqued me very much, especially his manner of doing it.

"New things every day confirm me that Mr. Law's designs, and the views of this Court, are just what I represented them to be. I thought it was useful to endeavour to shake Mr. Law's credit with his master, and it was fit to stand in his way as much as possible.

"I had not succeeded in all these views when Lord Stanhope arrived, and thought fit to demolish me and all my works at once.

"As to Mr. Law, I have no ill-will to him, but I take him to be a dangerous enemy to my country. I am afraid time will but too plainly show that I have judged right in that matter.

"As to my revocation, if it was possible I should have a mind to stay in this country, you have made it impracticable. You have taken all effectual ways that could be thought of to destroy the personal credit I had with the Regent. You have made it plain to him that I have no credit with the king, that is to say, with his ministers.

"As to my revocation, I do not care to make the grimace of desiring it for false reasons; I declare to you, at my return I expect nothing, and I fear nothing."

Lord Stair's reputation as a statesman was soon amply avenged; a very short time showed which of the two earls was right. The speedy failure of Law's speculations utterly ruined thousands of families, and brought the Government of France itself to the verge of bankruptcy; and when Law died in poverty and exile, a Frenchman wrote an epitaph which Lord Stanhope does not quote—

"Ci git cet Ecossois celebre,
Ce calculateur sans egale,
Qui par les regles de l'algebre
A mis France à l'hopital."

On returning to Galloway, Lord Stair proposed to the Sheriff to make an exchange of property, being anxious to acquire Innermessan, which lay contiguous to his residence. Sir James Agnew, an entire stranger to all antiquarian sentimentality, at

once consented, and the earl proposed as an equivalent for the lands he wished to have, among others, the farms of Balquhirry and Barbeth. The preliminaries were all settled, when the whole arrangement was abruptly interfered with in a very comical way.

On the farm of Balquhirry lived an old tenant, a great character in his way, who felt highly indignant at the plan by which he was to be thus summarily handed over from one landlord to another, without having a word to say in the matter, and he at once determined it should not be so.

Dressed in his best, he hurried off to Culhorn and asked for my Lord. His Lordship was engaged with an English guest, and the servants declined to take in his message, telling the old man to go away. But go he would not; he besieged the door until his Lordship at last appeared starting with his friend for a walk. No sooner out, than to the no small surprise of the Englishman, the farmer's stick was forced into his hand, and at the same instant a bundle of woollen material was thrown over his shoulders, with an abrupt ejaculation—

"There noo', man, just haud my plaid and staff while I speak to my Lord;" and to my Lord he then turned and opened fire—

"*A wise man abroad and a fule at hame!*" The earl delighted in a character, and answered at once with a laugh, "Why, Balquhirry, what's the matter now?"—"A wise man abroad, a fule at hame!" continued the man. "Swap awa' the holms of Balquhirry for the scabbit braes o' Inch? Gie the braw bogs o' Barbeth, that would carry leek and onion, for the stunted knowes of Innermessan? Fye, my Lord, fye!" The earl listened meekly as the old farmer uttered these withering sarcasms, encouraging him to say what, according to his experience, would be a more suitable exchange; upon which he is said to have vouchsafed the suggestion, "Why, my Lord, gie the Larbraxes, or some o' your ain scabbit land o' that sort!"

His mission accomplished, Balquhirry now turned to claim his property from the stranger, who handed it back to him with a low formal bow. The old man saw he was being laughed at, but was quite a match for the courtier. "Be cautious, sir,"

he retorted sternly, to the great delight of Lord Stair; "be cautious, maybe ye'll have less manners when ye've mair need o' them!"

The result of this interview was a complete change in the proposed arrangement. The Larbraxes were offered to the Sheriff as the old man advised, and (as probably all the lands in question then bore an equally fine crop of heather) his worship expressed no strong objection, and was perfectly satisfied that the basis of the exchange should be "acre for acre." Valued by this easy process, the family of Lochnaw became possessed of the Larbrax and Galdenoch Moors, a considerable tract incapable of improvement! and gave in exchange lands now bearing a high value in the parishes of Inch and Luce; at the same time resigning possession of the interesting mote and castle of Innermessan.

The contract of excambion, as registered, bears that, "At Stranrawer and Lochnaw, the fourteen and fifteen days of October 1723, it is contracted, agreed and ended betwixt the parties following, to wit the R^t. Hon^ble. John Earl of Stair (etc.), on the one part, and Sir James Agnew of Lochnaw (etc), with advice and consent of Lady Mary Agnew, for all rent and annuity, and Captain Andrew Agnew younger of Lochnaw, on the other part, viz.—

"Lord Stair receiving from Sir James the lands of Garthlery, the Castle of Innermessan, roods and yards thereof, with the lands of Carnerzan, Auchrocher, and Kirkland, and the mill called the Sand Mill (besides other house properties) at Innermessan; and the superiorities of the lands of Ayne and Cardryne, in the parish of Kirkmaiden; with towers, fortalices, manor-places, biggings, yards, and orchards, etc.; the Sheriff of Galloway receiving from Lord Stair the lands of Craigoch, of Meikle and Little Larbrax, and a part of the Galdenoch, with moor."

Another anecdote is preserved of Balquhirry, who lived on his farm near the parish church of Leswalt. During a very dry summer the minister had got into a regular habit of praying for "refreshing showers." One Sunday as he was entering his church, old Balquhirry rushed up to him and earnestly exclaimed, "It

your leisure, sir, at your leisure wi' *your refreshing shoors;* the hay o' Balquhirry 's no a' gotten up yet."

A story is told of another old Galloway countryman of the same stamp, who combined an air of great simplicity with a ready wit—shrewd withal, and moreover an elder in the church. This respectable person once visited Glasgow, which appeared to him as large and intricate a place as travellers had described the Celestial City. He soon lost his way, and meeting two smart young men he offered them "tippence" if they would guide him to his destination. They did so, and were duly offered the promised reward. This they laughingly refused, coarsely exclaiming, "No, no, old man; we'll be d——d if we take your halfpence." The good elder still held out the coppers, and, looking the dandies full in the face, sternly responded, "Tak the halfpence, lads, ye'll aiblins be d——d ony way!"

Sir James Dunbar, the big baron of Mochrum, died in 1718. It is said that on the occasion of his funeral it was found impracticable to remove his coffin either by the staircase or a window, which were both too narrow; and, in this dilemma, in order that the Giant might be decently interred, a hole was broken in the wall of the old place of Mochrum, through which his remains were lowered. The aperture then made is still pointed out to the traveller who is venturous enough to visit the remote and interesting ruins of this stronghold of the Dunbars. Sir James was succeeded by his eldest son George, the young Laird of Lochnaw's former comrade in the Greys, who soon after disposed of the old place, and the lands attached to it, and settled in Stirlingshire. His sister, Sir James's only daughter by a second wife, married George Agnew, an officer of dragoons, one of the Sheriff's younger sons. A relic of Sir George Dunbar is still preserved by his descendant Sir William Dunbar, the member for the Wigtown boroughs. It is a gold watch, which Sir George carried in his pocket at the battle of Blenheim, on which a French bullet struck and flattened; the owner's life being thus preserved.

Simultaneously with the disappearance of the Dunbars from their old haunts, the castles of Craichlaw and Clanyard passed

from the hands of the Gordon family. The direct male line of the Gordons of Craichlaw expired, and the property, devolving upon an heiress, was sold. This ancient branch of the house of Lochinvar is now represented by David Alexander Gordon of Culvennan.

The Sheriff is said to have obtained cavalry commissions for his six younger sons. Of these three died at an early age, but his fourth son, James, when quartered at York, fascinated an English heiress, whom he married, and by her had nearly as large a family as his elder brother.

On the 13th of October 1719, is this entry in the Sheriff's record-book—

"Michaelmas Head Court of the Sheriffdom of Wigtown, holden by Sir James Agnew, Sheriff Principall.

"The said day is produced the Charter and Seasing of the lands of Baltier in favour of Captaine Andrew Agnew younger of Lochnaw, whereupon the said Sir James desires his said son to be added to the suit-roll of the Barons of the Shire.

"Which is sustained and done.

(Signed) "JAMES AGNEW."

This said son (now an elector, which, in a constituency barely thirty, was a privilege of some importance), had been adding largely to the roll of the Sheriff's descendants, his faithful spouse having presented him with pledges of their affection for many years consecutively. His taste for soldiering was unchanged, but the discomforts of quarters were so great for a lady, that his family did not accompany him in his marchings and counter-marchings, dividing their time between Lochnaw and his father-in-law's residence at Richmond. At this latter spot Captain Thomas Agnew lived in a villa opening on a beautiful garden in which orange-trees and other exotics, rarer then than now, were carefully cultivated, and had collected a large library, and many objects of art. In this elegant retirement he delighted to surround himself with his largely-increasing group of grandchildren, and to be attended by his daughter, now his only child; his son Thomas, who, had he lived, would have inherited the

Lochryan estate, having been killed by the accidental explosion of a pistol in mounting his horse. He was possessed of a comfortable fortune, when he was suddenly reduced to the verge of ruin by the bursting of the South Sea Bubble.

Like many other staid and business men he had become connected with the speculation about 1712. At first the most sanguine expectations of the shareholders were exceeded—£100 shares rose to £1000, and had he then quitted the concern his golden dreams might have been realized; but unfortunately, like too many others, he deemed the business secure; the whole scheme was however from the first unwisely, and at last dishonestly conducted; in 1720 shares were at a ruinous discount, and in 1721 the shareholders at last awoke to the painful reality that their money was irretrievably lost. The estates of the directors were seized, but these yielded but a nominal payment to their dupes. Captain Agnew was a severe sufferer, his resources were permanently crippled, and when all demands had been settled, his villa and grounds, and a very moderate income, was all that remained to him.

Harassed by these untoward circumstances he did not long survive; he died in December 1725. His funeral took place by torchlight on the night of the 4th of December, arranged by his soldier son-in-law, with great pomp.

He left his entire property to his daughter. A few objects of art from his villa, including some family pictures, and many valuable books, found a final resting-place at Lochnaw, where they are carefully preserved by his descendants.

1725 is a date to be remembered as the year which saw *the first potato raised on Galloway soil.* Tea and potatoes, now the poor man's solace, were then and for years after this luxuries which even lairds but seldom saw. Early in the century tea was twenty-five shillings a pound, representing double that sum at the present day; whilst potatoes could not be had for money. The latter were first grown by William Hyland (whose name deserves to be recorded) in the Stewartry; but few of these were sold in the neighbourhood in 1725, as he found it well

worth his while to carry his whole stock into Edinburgh, where it realised a handsome price.

The year has also obtained an unfortunate celebrity in Galloway annals from disturbances organized upon a large scale, arising from one of those infatuations which sometimes seize upon the illiterate masses at the introduction of any improvements occasioning changes in local habits. The country had hitherto been generally unfenced; the Sheriff and his father, and other proprietors, had, thirty years before this, followed the example of Lord Basil Hamilton at Baldoon, and enclosed parks for their own cattle; but now, following the progress of agricultural improvement, they set to work to fence every farm, so that each tenant should have a march-dyke (a luxury before unknown); and tenants, in their turn, now asked for additional subdivision dykes, to enable them to till their ground without the necessity of constantly herding their cattle. The labouring class took offence at this; and certain mischievous demagogues, having acquired influence over them by pandering to their worst passions, proceeded to organize them into regular bands. Of these there were two distinct brigades, the one called "levellers," the other "houghers;" the first knocked down the dykes, the second more maliciously destroyed the cattle.

These men were regularly enrolled in companies of fifty, each having some pot-house orator as a captain.

The levellers, when on duty, paraded each with a strong bar of wood seven or eight feet long, and were then marched to the fated dyke, along which they deployed at regular distances; every man fixed his pole in amongst the stones, and when all were in position, the captain gave the word—"Ow'r wi't, boys!" and over it rolled, the levellers accompanying the crash with a wild huzza.

Disagreeable as this sound might be to landlords' ears, it was preferable to the silent butchery of the "houghers," carried on in a more mysterious manner under cover of night, when the very idea that such organized ruffians were about was far from pleasant.

There is no record of the Sheriff having sustained any per-

sonal injury from either of these societies, though so little private correspondence of the time has been preserved, that the absence of proof does not necessarily imply immunity. Among the Monreith papers, in a letter from Lady Jean Maxwell to Sir Alexander (then in London attending parliament), she expresses herself as living in a state of constant apprehension; mentioning that the tenants on the estate had been arranged in parties to relieve one another, and patrol the grounds of Monreith at night, but that notwithstanding all precautions, seven of their cattle *had been houghed in their own enclosures.* A letter of Mr. Maxwell of Munches, written in his ninety-first year, gives a picture of these times as they appeared to an eye-witness (he alludes to the Stewartry in particular, though he is describing the state of Galloway generally). The venerable old gentleman writes thus—

"I was born at Buittle, which in old times was the fortress and residence of John Baliol, on the 7th day of February (old style) 1720, and do distinctly remember several circumstances that happened in 1723-24. In 1722, many of the proprietors enclosed their grounds to stock them with black cattle, and by that means turned out a vast number of tenants at the term of 1723, whereby numbers of them became destitute, and in consequence rose in a mob, when with pitchforks, gavellocks, and spades, they levelled the park-dike of Barncailzie and Munches, which I saw with my own eyes. The mob passed by Dalbeattie and Buittle, and did the same on the estates of Netherlaw, Dunrod, etc. The proprietors rose with their servants and dependants to quell this mob, but were not of sufficient force to do it, and were obliged to send for two troops of dragoons from Edinburgh. Warrants were granted for apprehending many of the tenants and persons concerned; several were tried, those who had any funds were fined, some were banished to the plantations, whilst others were imprisoned. At that period justice was not very properly administered. A respectable man of the name of M'Claherty was concerned in the mob; on his being brought to trial, one of the justices admired a handsome Gal-

loway which he rode, and told him if he would give him the Galloway he would effect his acquittal, which he accordingly did.

"The tenants in general lived very meanly on kail, groats, milk, graddon[1] ground in querns turned by the hand, and the grain dried in a pot, together with a crock ewe[2] now and then about Martinmas. They were clothed very plainly, and their habitations were most uncomfortable. Their general wear was of cloth, made of waulked plaiding, black and white wool mixed, very coarse, and the cloth rarely dyed. Their hose were made of white plaiding cloth sewed together, with single soled shoes, and a black or blue bonnet, none having hats but the lairds.

"The produce of the country in general was grey corn, and you might have travelled miles without seeing any other grain, except in a gentleman's croft, which in general produced bear for one-third part, another third in white oats, and the remaining part in grey. At that period there was no wheat raised in the country. Few of the proprietors gave themselves any concern anent the articles of husbandry, their chief one being black cattle. There was then no lime used in improving lands. In 1749, I had day-labourers at sixpence per day, and the best masons at one shilling."[3]

During the following year, Captain Agnew lived almost entirely at Richmond with his family, much occupied in winding up his father-in-law's affairs, and a good deal harassed by many claims on his estate, arising from the unfortunate South Sea transactions. In 1723, Sir James had resigned the Sheriffship in his son's favour, who then took up his residence at Lochnaw, and the villa at Richmond was soon afterwards sold, as well as the furnishing in doors and out. We quote one item from the auctioneer's account—viz., the oranges, as showing their value at the time—this being within easy distance of the wealthy Londoners:—

[1] Corn burnt out of the ear instead of being thrashed.

[2] Crock-ewes, old ewes which have lost mark of mouth.—*M'Taggart.*

[3] The original letter from which these are extracts is published in Murray's *Literary History of Galloway.* The horse-fancying justice had no connection with Wigtownshire.

"Two large orange-trees in tubs, and one small one	£1	5	0
Four small orange-trees . .	1	0	0
Seven orange stocks in pots . .	0	4	0
Two small orange . . .	0	3	0

Besides many other plants, amongst others two alloways (query, aloes) in pots, 3s."

The young Sheriff was assiduous in discharging his official duties, which, considering his frequent presence at the head-quarters of his regiment, his business at Richmond, and the distance of five-and-thirty miles even from Lochnaw to Wigtown, must have entailed his being much in the saddle. In the year 1724 his signature appears in the Sheriff's record-book in the Court-house no less than four times—namely, in January, July, November, and in December.

As he advanced in years, his eccentric humour became more decided. In matters of duty, civil and military, he was strict; and when excited, he expressed himself in no measured terms, strong epithets being freely bestowed upon the offender. A venerable gentleman, who lately died in Wigtown, could speak of his father's recollections of the last of the Hereditary Sheriffs (or as he is usually styled in Galloway stories, "*Old Sir Andrew*"). This worthy well remembered seeing the Sheriff riding booted and spurred into Wigtown upon Court days, followed by a long train of horsemen, for the lawyers from Stranraer attended also, swelling his retinue. Having taken his seat in Court, he always laid his large hunting-whip before him on the table, and when, as was not unfrequently the case, the lawyers did not plead very regularly, but fell into wrangling colloquies, he would strike it vigorously on the board, restoring order out of confusion as if by the touch of an enchanter's wand; accompanying the action by stern vociferations, in which the terms "blethering loon" or "scoundrel" were predominant; after which a calm ensued, and the case went on. But though a strict disciplinarian, and not very nice in his language, the young Sheriff was extremely popular notwithstanding; and it was an established custom in Wigtown, that when he attended

Courts in person, the clerks and notaries of the place should mount and escort him on his return for full five miles to the ford of Bladenoch: and there having seen the Sheriff safe over in the ferry-boat, they adjourned to a noted "Change House" on the hill above, and drank largely in honour of the expedition. The same old gentleman whose memory carried him so far back used to add, that it was invariably observed that the escort in returning were somewhat tortuous and unsteady in their movements.

Meanwhile, the Sheriff was riding homewards attended by the learned contingent from Stranraer; and traditions also survive of the ways of these gentlemen, as well as of their Wigtown brethren.

It was the custom of these practitioners to dine on Court days at Glenluce, and afterwards to refresh themselves at an intermediate drinking-house as well. Once having dined as usual, but having drunk an unusual quantity of whisky toddy at Glenluce, it was agreed that they should not touch another drop that day; and all engaged, in the fulfilment of their vow, to encourage one another in breaking through the time-honoured precedent of halting at the half-way house.

On nearing the alehouse, they endeavoured to sustain their rapidly ebbing resolution by increasing the pace; and this to the no small astonishment of mine host, who was standing in his doorway waiting to receive them. On they came; the leader of the party having spurred his horse into a gallop. Just as they were abreast of the sign, however, his knowing steed bolted up to the accustomed door, when stopping suddenly short, in went the "fore-speaker" sprawling in the passage,—the rest of the party, in spite of themselves, brought up all of a heap on the threshold.

Boniface, who was a great wag, quietly raised the fallen man, and depositing him safely in the bar, he dryly remarked, with a glance at his companions, "What kin' o' rider yé ar, I dinna ken; but, O man! ye hae a maist expedeetious way o' coming aff."

There is a Portpatrick tradition of this date, that Mr. Boyd (the first minister appointed to Portpatrick after the Revolu-

tion), in his ministerial capacity, publicly reproved the Laird of Dunskey for some misconduct, which the latter greatly resented. So incensed was the laird, that he incited some of the people to seize upon the communion plate, so as to prevent the minister from administering the sacrament on the next regular occasion. The feud was at its height; the minister was determined to proceed with his ministrations, even if obliged to borrow the necessary vessels; and a disturbance was much apprehended, when, unexpectedly, a squadron of the Earl of Stair's dragoons (now the 6th, or Enniskillens), marched into Portpatrick, and took up their quarters in the barracks to await embarkation for Ireland.

The minister waited immediately on the commanding officer, who proved to be no less than Colonel Gardiner, then Major of the regiment; who, on hearing his story, at once promised him assistance. A non-commissioned officer's party shortly sought out the parties who had abstracted the plate, which was immediately restored; and the following day patrols stopped any disposition for disturbance, whilst the congregation were increased by the presence of the whole squadron during the service, after which the Major himself partook of the sacrament, which, we need hardly say, the Laird of Dunskey made no efforts to disturb.

Colonel Gardiner's published correspondence corroborates this story, mentioning how much he had enjoyed a communion Sunday at Portpatrick, and the pleasurable train of reflection into which he fell later in the day, as he "took a walk upon the mountains that are over against Ireland."[1]

The young Sheriff gave a deputation to his kinsman, the Laird of Wig, over the regality jurisdiction in the Machars. As is entered—

"Head Court of the Bailliarie of Drummastoun holden by William Agnew of Castlewig, Baillie-Depute, Constituted by Captain Andrew Agnew of Lochnaw, Sheriff, Heritable Baillie of the said Bailliarie.

"At the Court Hill of Skeog upon the 24th day of August

[1] His letter is dated 25th May 1725.

1725. The which day William Agnew produced a commission granted by the said Captain Andrew Agnew, by which he constitutes

"William Agnew of Wig, Baillie Depute;

"William M'Gowan, Notary Public, Clerk of the said Court;

"Anthony Houstoun, Baillie of Whithorn, Procurator-Fiscall;

"And John Donnan, Officer."

Many cases in the Drummastoun court-book are not without interest, although too lengthy for insertion. We copy, as a specimen, one illustrating a local superstition:—

"The claim and complaint of Elizabeth Baillie in Skeog against John Donnan and Elizabeth Donnan his daughter—Skeog, 8th June 1727,—

"Sheweth, That some one or other of the days of May last, John Donnan came to the Hall of Skeog where there was a stot standing, which I thought *was elf-shot*, and I would have helped *to rub and find the hole*, and desired to help and assist what I was able. At which time, without any provocation, the said John gripped me by the shoulders, and did violently shake and push me and swore he would be upsides with me, and abused and reviled me and called me w——, thief, bitch, and many other ill names not worth putting in writ, and threatened to beat me with his staff.

"Elizabeth Donnan came another day in May to the yard where I was weeding my lint, and beat and abused me with both her feet and hands and threatened to take my life, had I not been red out of her hands. And also reviled and called me both w—— and thief, glengoured bitch, and old withered devil. Whereupon I crave they may be bound to keep the peace and fined for abusing and striking me."

Cattle if suddenly seized with illness, such especially as cramp, or from an over-distension of the first stomach from eating wet clover, were popularly supposed to be *elf-shot*, or diseased by the agency of evil spirits.

In Galloway it was fully believed that they had been literally

shot with the old flint arrow-heads, sometimes picked up about the country, by fairies or by witches.[1]

The wretched old woman who was thus maltreated had been supposed to be a witch; and her simple remark that the "stot was elf-shot" was considered fair evidence that the old hag was gloating over the success of her incantations.

To rub the wound, as the poor old creature advised, was quite *en regle*, and the most correct way of performing the operation was to use a blue bonnet, with which the part was to be rubbed or "basted" for an hour.

In 1730 the Earl of Galloway's seat of Glasserton was entirely consumed by fire; a family misfortune, as many valuable papers affecting his claim to the dukedom of Lennox were destroyed.

In October 1734, as the young Sheriff was soldiering in Ireland, he heard of the birth of a fifth son at Lochnaw, upon which he wrote to desire that the child might be called after his old Colonel, meaning by this that he was to be John, Lord Stair's Christian name.

Somehow his intention was misunderstood, and the little stranger was christened at Lochnaw, by the Sheriff's own chaplain, not "John" but "Stair," and as such his health was drunk accordingly both upstairs and down. The father, returning home on leave of absence a few weeks after, arrived unexpectedly at home, and found his wife in the drawing-room with the baby in her lap, who was presented in due form to his papa as little Stair. "Stair," cried the Sheriff with horror, "you surely haven't called him Stair; there's a name; are you all daft?" but gradually his excitement subsided. "Well," he said, "it might have been worse; it's well he's not the heir. Sir Stair! *Sir Stair!!* Sir Deevil!"

[1] "They are called elf arrow-heads, because it was long thought they were the workmanship of elves, and used by them when shooting children, cows, what not."—M'Taggart's *Gallovidian Encyclopædia.*

Pennant, in his *Tour in Scotland*, in 1769, alludes to this superstition—"The stone arrow-heads of the ancient inhabitants are supposed to be weapons shot by fairies at cattle, to which are attributed any disorders they have."

This is the unvarnished tale, but time improves such stories; and Dr. M'Crie picked up a much livelier version of this little anecdote, which he tells so well that we must repeat it.

"Lieutenant-General Agnew returning home from foreign service found his fifth son, who was born during his absence, sitting on his mother's knee. This, in those days of rare and difficult communication, was the first intelligence he had received of this addition to his family. 'What's this you hae got, Nellie?' was his first salutation. 'Another son to you, Sir Andrew.' 'And what do you call the boy?' 'I have called him Stair after your marshal,' she replied. 'Stair! Sir Stair!' cried Sir Andrew after a few minutes' silence, 'Sir Deevil! it disna clink weel, Nellie!' So it was, however, though fifth son he did become Sir Stair."

Certain anachronisms, however, prevent a family biographer from adopting this capital story; for example, the Sheriff was then a captain in Ireland, not a general in Germany; nor were posts *quite* so rare as would thus appear, in the eighteenth century: the captain, moreover, was not yet a baronet, nor Lord Stair a field-marshal!

Sir James, the eleventh Sheriff, was now both old and frail, and having gone into Edinburgh for the winter, never returned to Lochnaw. Having before us a rental of 1734, the last year of his life, we are able to note the relative value of property, actually and relatively then, as compared with the present day.

Thus the lands Dindinnie then paid £11 : 2 : $2\frac{3}{4}$ silver rent, as well as two bolls of meal, two bolls of bear, one wether, one lamb, one stone of butter, and twelve chickens, yearly. In 1862 the rent of the same was £292 : 10s.

The farm of Auchnotteroch paid £5 : 11 : $1\frac{1}{3}$ sterling money silver rent, two bolls of meal, two bolls of bear, one lamb, two quarters of butter, and twelve chickens, yearly. The present rent is £165.

But again, Soleburn Mill paid in 1734 £5 : 10s. silver rent, besides thirteen bolls of meal, twelve capons, ten dozen eggs, and a gate of tallow. The present rent is £44 : 15s.

Thus we find in 1734 that the rent of Soleburn Mill was very considerably higher than that of Auchnotteroch, there being a difference of nine Galloway bolls value (at least) of meal, whereas it now amounts to little more than a quarter of that of the latter farm.

A corresponding falling off in the relative value of most other mills would be found upon inquiry.

There is another item in the rental of 1734, viz.—

"The wreck of Lochryan," £19 Scots, or £1 : 13 : 4 sterling. Calculating this relatively with the farm rents, among which it figures, we might, at a moderate computation, set it down as representing twenty-five times the quantity of money for which it appears in modern currency, or about £40; whereas the item has entirely disappeared from the rental, and the value of sea-weed collected is thought hardly worth consideration, though still used upon the farms near the sea-shore.

Besides very considerable emoluments arising from the sheriffship, the Sheriff derived various advantages from his other heritable jurisdictions; as for example, from the barony of Drummastoun alone, as heritable baillie, he was entitled to receive the following duties from those who owed suit and service to his baron-court, viz.—

From *Skeog*, two plough-gangs, four couple of horses and harrowers one day, six shearers one day in harvest, six hens, one thrave of corn, and eight horses for peat-leading.

From *Dunnance* the same as above.

From *Balnab* one plough-gang, two couple of horses and harrowers, three rigs shearers, three hens, one thrave of corn, and four horses for peat-leading.

From *Drummastoun* the same.

From *Chapelharren* the same.

These were usually commuted for money payments, but this was of course entirely at the option of the Sheriff.

He was also baillie of Soulseat, Leswalt, and Monybrig.

Sir James Agnew died at an advanced age (upwards of seventy-five), and was buried in the Abbey of Holyrood, where,

seven years afterwards, Lady Mary Agnew was interred beside him.

Curiously enough, about this time, the Galloway family were several times consecutively elected provosts of Wigtown, and served as such. On the 17th June 1735, Alexander Lord Garlies was elected provost for three years; on the 29th September 1738, the Earl of Galloway was chosen, and his signature appears in the borough records in various places as "Galloway, *provist*;" on the 29th September 1740, Lord Garlies was again elected, and on one of the last days of his term of office, a minute is entered to the effect that—

"The Council resolve to discourage the growing practice of *smuggling* and *tea-drinking*." (Signed) "GARLIES."

CHAPTER XXXIII

THE TWELFTH HEREDITARY SHERIFF.

Brass moveth men to board, to church, to field;
We all by times to its allurements yield.
The trumpet's sound to arms and death doth call;
The bell to prayers and meate invites us all.

WM. MONTGOMERY.[1]

SIR ANDREW AGNEW, the last of the hereditary Sheriffs, after following his father's remains to the grave, returned to Lochnaw but only for a short visit; for neither the attractions of the country, nor the various duties devolving upon him through his position, nor even the discouragement of very slow promotion, could abate his military zeal. He spent as much time in Galloway as the regulations of the service would allow; but when his leave of absence expired, he punctually returned to the head-quarters of his regiment, where, in his camp-bed, he still dreamed of glory.

Unlike his father Sir James, he was not a practical agriculturist, yet, on taking possession of the paternal estates, his habits of military precision would not let him rest satisfied without acquainting himself with the routine of farming operations so as to enforce regularity on all ranks of those he employed upon them.

One of his first attempts at such superintendence is the subject of a favourite Galloway story, which we repeat nearly verbatim as we received it:—

"Sir Andrew, though a grand soldier, was nae farmer ava'; he kent naething about it. A' the castle farm wark in his days, an' lang before an' after, was done by baillie work. There was

[1] Author of "Memoirs of the 1st, 2d, and 3d Viscounts Montgomery of Airds," and a kinsman of those noblemen.

baillie pleuching, baillie harrowing, baillie shearing, baillie corn-leading, ay and peat-leading too. The tenants were a' warned in their turn to do as they were bun' in their tacks.

"Sir Andrew was new come hame; they had been a' warned in, and were shearing ower in the Beef-Park, an' as was aye the case when a wheen o' farmers met, they had great strivings wha wad be first out at the lan's end. Horrid bad wark they made it, and whiles left as muckle as they took.

"Just as the Sheriff came out to see, they were kemping[1] a' they could; and the grieve, afeared the Sheriff wad be angry, began and trod down the lang stubbles wi' his feet, and made a show o' gathering as muckle o' the left corn as he could.

"'What's that ye're doing there?' says Sir Andrew, sharply. 'Oh, please your honour,' answers the grieve, terribly frightened; 'oh, I'm just tramping doon a lot o' the o'erplus. There's plenty to tak and plenty to leave here, please your honour. It's just to keep the grun' warm, your honour, for I expect a right guid awal crap here next year;' and so he ran on, scarce knowing what he said."

Greatly astonished was the grieve to find that his ridiculous invention was taken in good faith; but if he felt little compunction at thus shamefully imposing on his master, his deceit drew down upon him a retribution as sharp as unexpected, for the Sheriff, greatly pleased with the theory of keeping the ground warm, "keepit him there a' the morning aye treading down the stubble, and whiles he wad begin and tread down the corn himsel'." So that the unjust steward cut a very sorry figure in the eyes of his own men. "Ye see," as is a usual remark after some similar stories, "although Sir Andrew was a bra' warrior, he didna ken the lea-side o' a rick!"

Colonel Agnew of Lochryan died about 1730; the Sheriff's

[1] Kemping is an expression commonly applied to reapers trying who will beat the others in cutting each their share of corn upon the harvest-field. The derivation is the same as in "kemp's walks,"—from *kemp*, a *champion*. While strictly signifying rivalry, it implies undue haste, and, as in the text, that the work is hurriedly and badly done.

sister, his first wife, had predeceased him, and the Colonel had remarried Agnes Kennedy of Dunure, by whom he left an only son, and a daughter Eleanor, married to Sir Thomas Wallace of Craigie. At the time of Colonel Agnew's first marriage mutual entails were executed between Sir James Agnew and himself, settling their respective properties, failing heirs-male in either family, on the second son of the other. Thomas Agnew's sole heir-male of the direct line of Lochryan died in 1736, and on this a dispute arose as to the succession, the Sheriff claiming the property for a cadet of Lochnaw, the only doubt he had in the matter being as to whether his brother or his second son was legal heir; Sir Thomas Wallace, on the other hand, claiming in right of his wife.

The case was referred to Andrew M'Dowall, a distinguished lawyer, a cadet of Logan, afterwards known as Lord Bankton, who after due consideration gave his opinion on the questions submitted to him, to this effect :—

"1. I am of opinion that this being a mutual tailzie equally onerous on both sides, none of the parties could gratuitously disappoint the other by executing a new destination altering the same.

"2. As to any provisions that may be in Colonel Agnew's second contract of marriage in favour of heirs-female, I make no doubt, if they are only rational and suitable provisions, they will be sustained, but if they are exorbitant, as of the Colonel's whole estate, I conceive they will not be effectual.

"3. The entail registered in the books of Session proceeds upon a narrative of their being desirous of a nearer union and relation betwixt the families. I consider that the younger son of the family in possession is meant and not of Sir James Agnew; because, that might have made little or no union amongst the families at all. If the heirs of Colonel Agnew had failed some hundred of years hence, the descendants of the second son of Sir James would be a very distant connection.

"I conceive by the younger son is meant the second, he being immediately younger and so termed with respect to the eldest.

"4. He ought to serve heir of tailzie and provision in general upon the mutual tailzie, which may be done before the Sheriff of Wigtown. His father's mandate as administrator-in-law will authorize the service, and he may pursue the heir-of-line and executors, viz. my Lady Wallace, to enter to the heritable and moveable estate and deliver up the vouchers of the same.

"The above is the humble opinion of

(Signed) "AND. M'DOWALL.

"*Edin.* 30 *April* 1736."

Notwithstanding Lord Bankton's opinion in his favour, the Sheriff's claim was set aside, and the estate passed to Lady Wallace. She again left an only daughter, her heiress, Francis Ann, who married John Dunlop of Dunlop.

Thus disappeared the oldest of the branches from the family of Lochnaw, descended from a cadet of the second hereditary Sheriff, whose descendants maintained a respectable position among the Galloway baronage for nearly 300 years.

On the 16th of January 1736, the Sheriff obtained his majority. The year following, in Ireland, in compliance with an Act of Parliament, bearing the strange title, "For extinguishing the hopes of the Pretended Prince of Wales," he had to qualify himself for the subjoined certificate—

"I do hereby certify that at a General Quarter-Sessions held for the county at the king's old castle of Cork the 15 Aug^{t}. 1737, the Honourable Sir Andrew Agnew personally appeared between the hours of nine and twelve of the clock on the forenoon of the said day, and having produced a certificate of his receiving the Sacrament of the Lord's Supper according to the usage of the Church of Ireland, in open Court took the several oaths and subscribed the declaration in such manner as is directed by the Statute, etc.

(Signed) "ST. LAW. BOURTEEN, *D.C.P.*"

Soon after, the Sheriff attended the General Assembly in Edinburgh, as lay elder for the Presbytery of Stranraer, accompanied by Colonel William Dalrymple, the member for the

county, elder for the Presbytery of Ayr; and Sir Thomas Gordon of Earlston, for that of Kirkcudbright.

Colonel Dalrymple, styled of Glenmure, brother of Lord Stair, had married his cousin Penelope, Countess of Dumfries. In 1727 he was elected for both the county of Wigtown and the boroughs; and accepting the former, his eldest son was returned by the boroughs.

This son, for a time, united the titles of Dumfries and Stair, after the death of his younger brother James (to whom the title of Stair went by remainder on the death of the second earl); but he left no male heir, and his daughter Lady Elizabeth having married John M'Dowall of Freuch, her son Patrick M'Dowall became fifth Earl of Dumfries.

Lord Stair was at this time Lord-Lieutenant of Galloway; but in 1733 he was removed from the office of Vice-Admiral of Scotland, because he had joined the opposition against Walpole; and the following year he was superseded in his command of the Enniskillen Dragoons for the same offence—a curious punishment for political misconduct.

Lord Galloway's second son James was in 1734 elected member for the Wigtown boroughs.

About 1736 the Sheriff obtained a commission for his eldest son in Paget's (or, as it was soon afterwards called, Descurry's) regiment, now the 32d Light Infantry; and in 1738 his eldest daughter Mary was married at Lochnaw to Sir Michael Bruce of Stenhouse.

In the year 1738 a daring attempt was made to carry off Miss Vaus of Barnbarroch, by a worthless fellow of the name of M'Clery. It was fortunately unsuccessful, unlike the abduction of the fair "Helen of Cascrew" in the sixteenth century. The information, as sworn to in the Sheriff's Court, is so extraordinary, that we shall give it as it was taken down by Thomas Kennedy, Sheriff-substitute, at Wigtown, the 29th of November.

"John Stewart of Phisgill, aged about 33 years, and married, declares as follows—

"He came to the House of Barnbarroch upon a Sabbath day

the 13th of August last, and stayed all that Sabbath night in Barnbarroch House.

"About two hours after daylight was gone he was sitting in a chamber with Lady Barnbarroch and John Dun the tutor on the estate,—a noise was heard in the laigh stories, and presently a servant came into the chamber, and told that a great number of men with arms had broke into the house, and were then in the kitchen. He (John Dun) and Lady Barnbarroch on this ran immediately down stairs into the kitchen, and there he saw Thomas M'Alexander, a soldier, holding out a cocked pistol in his hand, swearing and threatening he would shoot some of the family if they did not show him the way upstairs. He also saw Andrew Mitchell, servant to John M'Clery of Grange (son to John M'Clery late baillie of Newton-Stewart) holding out a pistol, with a drawn hanger in his other hand, and threatening as above. He moreover saw Robert Dinnan with a pistol in his hand, and one Hannay with a rusty sabre or scimitar in his hand, and several other armed men.

"Duncan, M'Alexander, Hannay, and Mitchell came to the back door of the kitchen where he was standing, and on his demanding what they wanted, they answered 'they wanted Miss Vaus,'—and on their being told they were not to get her, nor to go up stairs, they swore they would force their way. Upon which they forced by him, and he following they broke open the lady's own chamber door wherein the children were sitting and broke it in pieces.

"Immediately a scuffle ensued, and then I, John Stewart, seed M'Alexander and the lady in grips with one another; the Lady's head cloathes were torn off her head, and her hair hanging round her face and shoulders.

"Then (the witness proceeded) while he (John Dun) and some of the servants were endeavouring to assist my lady, Duncan and Mitchell seized upon Miss Vaus, who caught hold of him and begged he would protect her.

"Meanwhile he saw Hannay seize Miss Elizabeth M'Dowall, the lady's sister, and saw several of the servants beat and

wounded to the effusion of their blood. Also, after M'Alexander was disengaged from the lady he snapped a loaded pistol twice, which was taken from him, and sometime afterwards a shot was taken out of it" (that is to say, was found in it).

"After these armed assailants were forced out of the lady's chamber, M'Alexander further threatened the lady, and swore he would shoot John Dun, and struck at him with a sabre. On being asked what they meant by such outrageous conduct, they answered 'that they wanted Miss Vaus for John M'Clery, who was below stairs.'

"The witness thereupon, within the outer gate of the house, found John M'Clery standing with two armed men, and with a pistol in his breast. He then discoursed him, and they both went upstairs together and entered the lady's room.

"M'Clery told the lady he was sorry so much disturbance was given to the family, and declared all he wanted was to speak to Miss Vaus, and if she was not willing to go with him he would dismiss his party of men.

"Before this, Miss Vaus had asked him (Stewart) to lock her into a private cellar, which he did. M'Clery was now told he could not see her that night; upon which he searched the lady's room, and her bed, and the presses, and found one of the wounded servants lying on the lady's bed. He then called up his men, and placed them sentry over the room, and then searched the dining and other rooms of the house.

"He (Stewart) at this time saw William M'Beath in Drumbuie standing on the stair-head with a sabre in his hand, and also Simon Gulline, apprentice to John M'Carlie, wright in Wigtown.

"M'Clery now returned to the gallery, after searching the house, and he (Stewart) then proposed that M'Clery should dismiss his men, and that he should see Miss Vaus at eight o'clock the next morning, in presence of the lady her mother and himself, to which proposal, with much difficulty, he agreed; and calling his men down the close, after some communing, M'Alexander fired a pistol, and they all went off.

"About an hour after, he, being informed that the party were lurking about the house, he went out and there found them, and told them their stay was not agreeable to concert; and they—being about a musket-shot from the house—answered that they would not go till M'Clery had seen Miss Vaus; that they would go no nearer, nor offer further violence, and would dismiss at eight o'clock, after M'Clery had seen Miss Vaus. A short time after assistance arrived—which had been sent for—and on this they all sallied out to apprehend the party, but they now ran off, and they could take none of them but M'Clery, whom three men of the lady's party apprehended, and brought to the House of Barnbarroch, from whence he was, by a warrant of Mr. Heron of that ilk, sent to the Tolbooth of Wigtown."

In 1738 William Agnew of Castlewig, the grandson of the tenth Sheriff, died unmarried; his sister Agnes Agnew had married Charles Stewart of Tonderghie, and by him had an only daughter Elizabeth, married to Mr. Hathorn, a merchant in Edinburgh, whose son Hugh now claimed all his property. But the male line having failed, by virtue of the settlement made by the ninth Sheriff, the lands of Auldbreck and Polmallet returned to the family of Lochnaw. Hugh Hathorn, however, was not inclined to give them up without a struggle, and a lawsuit was the result, which as usual was both tedious and expensive, until, in 1744, the Sheriff obtained a final and full decision in his own favour.

Upon the death of his relative the Laird of Wig, in 1738, the Sheriff constituted John Hathorn of Airies baillie-depute of Drummastoun, who produced his commission in the court there in October following, and was installed in his office accordingly. This gentleman appears to have endeavoured to carry matters with a high hand, and to insist on the neighbouring lairds giving "suit and presence" in his courts, which they were not inclined to do; moreover baron-courts were somewhat at a discount in the eighteenth century. We gather from the records of the court some amusing incidents as to a tiff with Stewart of Phisgill and the new Laird of Castlewig on the matter of attendance. The

court-lists before us are more than once entered as having been called over, with a black mark against the absent heritors' names; whom the baillie-depute fines accordingly, which fines they probably did not pay. The Laird of Over-Airies then went to work with a will, as the formal statement of his baron-officer sworn amply testifies.

"Upon the 19th and 20th days of October 1740, I, John Donnan, officer of the barony court of Drummastoun, past to the parish church door of Whithorn, upon the 19th October, being Sunday, and upon dismission of the forenoon sermon I lawfully summoned the whole heritors, tennants, cottars, to give suit and presence at the head court of the said jurisdiction, on the 21st day of October at the Court Hill of Skeog in the lawful time of day, under pain of being unlawed, and left upon the church door a copie subscribed to that effect; and in like manner I summoned and warned and charged John Stewart of Phisgil and Hugh Hathorn of Castlewig, and delivered to that effect to the said John Stewart personally, and left another copy to the effect *foresaid in lock-hole of the most patent door of the dwelling-house of the said Hugh Hathorn*, after six several knocks given by me thereupon, because I could not get him personally apprehended." The copy in the key-hole, however, produced no effect, nor even the personal service of the summons on the Laird of Physgill; both were absent, and the aggrieved baillie-depute fined each of them £50. We have no means of ascertaining if the fines were paid.

Early in 1739 the Sheriff disembarked with his corps at Liverpool, and, marching right across the country, was quartered at Andover; and here again we find by a memorandum that he had to go through the ceremony of "extinguishing the hopes of the Pretended Prince of Wales;" but here, besides taking the oaths, and producing a certificate of having received the Sacrament according to the usage of the Church of England, so incredible did such a fact appear (to the English chairman of quarter-sessions, when a Scot and an elder of the General Assembly was in question), that the Sheriff of Galloway was obliged to

produce two substantial witnesses to testify to the truth of the certificate!

A few months afterwards the Sheriff at last obtained the prize for which he had so perseveringly served, and was gazetted to the command of the Royal North British Fusiliers; and about the same time he had also the satisfaction of registering the birth of his sixth and youngest son, completing his family to the patriarchal proportions of eighteen.

In 1741 there was a general election which brought the Sheriff to Galloway; there was, however, no contest, and he had the easy duty of declaring his two relatives Colonel James and Captain William Stewart members for the county and boroughs respectively. The Honourable James Stewart, who had formerly been member for the boroughs, was then a colonel in the Guards, and William was a captain in the 12th Dragoons.

On returning to his corps the Sheriff received orders to join a division in Essex for the purpose of manœuvring, and early in the autumn he marched into camp on Lexden Heath near Colchester, with colours flying, and band playing his favourite march, "The rock and the wee pickle tow."[1] Here they passed some weeks under canvas practising military movements along with many other corps.

War was now imminent, and on the dissolution of the Walpole ministry (in 1742) Lord Stair was recalled from his retirement by the king, promoted to the rank of field-marshal, and soon after sent as ambassador extraordinary to Holland, in hopes of persuading the States to co-operate with Britain. At the close of the year 1742 the Scotch Fusiliers embarked for the Netherlands, and by a memorandum of the Sheriff's, we find that he mustered his corps at Bruges on the 10th of January following, and in March moved on to Aix-la-Chapelle, where, after an interval of six-and-thirty

[1] "The rock and wee pickle tow" is still known in Galloway as Sir Andrew Agnew's March; and it is curiously enough identified with the Sheriff, by being called also by many who do not know the reason why, "The Sheriff's son's march," Sir Andrew having soldiered so long during the lifetime of his father.

years, he found himself again under the command of the Earl of Stair.

In the following spring George II. appeared in the camp, to the dismay of the experienced officers, for although a gallant dragoon, his Majesty was a very indifferent general, and would interfere with the plans of his marshal.

Meanwhile, the Sheriff, who had wintered with his Fusiliers at Ghent, had marched for the Rhine; and the various other corps composing the army, issuing in May from their winter-quarters, encamped together on the banks of the Maine.

The French, with a greatly superior force under the Marshal de Noailles, advancing suddenly here, very nearly surrounded the Allied armies; holding Aschaffenburg in their rear, and Scelingenstadt in their front, and greatly annoying them by batteries on the west bank of the Maine.

Indeed the Allies would have been regularly caught in a trap had it not been for the wariness and skill of their commander, who had difficulties to contend with at the council-board fully greater than those in the field.

The French marshal having pretty accurately taken the measure of the king's generalship, was greatly vexed at the movements of the Allies not agreeing with his calculations, but finding himself thoroughly foiled, he comforted himself with the exclamation, "Well, I ought not to be surprised at this unfortunate prudence, for *sometimes* Lord Stair must get the upper hand!" But, all experience to the contrary notwithstanding, councils of war continued to be held in the king's tent, which served only to counteract the arrangements of the veteran marshal; and by the 27th of June, the king and his irresponsible advisers had managed to get the whole Allied army into the very worst position that ingenuity could possibly have devised.

On their right, the main body of the French lay in position at Dettingen, another French corps was well posted in their rear, a third held in force the left bank of the Maine, whilst in front of the Allies, a fourth and very strong division presented

itself in battle array, and so posted that it could only be approached through a narrow defile, whence any attempt to dislodge them must be conducted at a great disadvantage.

Near this defile the Sheriff was stationed with his regiment. On the forenoon of the 27th as the dinner-hour approached, it was formally reported to him that large bodies of the enemy's cavalry were hovering about this pass. The Sheriff, we are told, was sauntering about "as cool as if he had been on the boundary of one of his farms in Wigtownshire,"[1] and the only reply he made to the staff-officer who addressed him was, "Sir, the scoundrels will never have the impudence to attack the Scotch Fusiliers," then turning to his orderly, he desired the dinner-call to sound as usual. The rations were served out, and the eccentric knight set the example himself of making the best use of a knife and fork.

Some of the officers, who had not yet learned to appreciate the Sheriff, were somewhat disconcerted at his apparent want of caution. But the fact was that he had himself already foreseen the probability of a serious engagement; and having despatched a messenger to warn Lord Stair of the danger, he now, as an old soldier, encouraged his men to dine, as the best preparation for going into action.

Although the advancing columns were plainly visible, Sir Andrew continued eating till a bullet struck a bone out of his hand, which he was in the act of picking.[1] "They're in earnest now!" he cried, and giving the signal, his drums beat to quarters, and the Fusiliers formed line. Springing on his charger, the Sheriff called them to "attention," and by way of a speech, delivered himself of a single sentence, which has since become proverbial in military circles.

"*My lads*," he cried; "*ye see these loons on the hill up there? If ye dinna kill them they'll kill you!*" As he spoke, the French dragoons came on at a charging pace. They were a brigade of the household troops, the picked and best disciplined soldiers of France, and their cuirasses were buckled down to

[1] Chambers.

their saddles,[1] so that the bayonet could make no impression; they expected to carry all before them.

"*Dinna fire till ye see the whites o' their e'en!*" shouted Sir Andrew, and his men obeyed him to the letter. He had his regiment perfectly in hand. As these iron-clad horsemen were close upon him, he suddenly ordered his men to fall back from the centre by right and left, and in an instant the Cuirassiers rushed madly into the lane thus formed, and were beyond it, receiving one terrible volley as they passed. Again that *thin red line* reformed, but this time facing to the rear; soon the impetuous Frenchmen found in their front the main body of the Allied army in motion to attack them, and turned to retreat, but there was now no opening in the ranks of the Scotch Fusiliers, which they imagined they had broken. The knight of Lochnaw rode slowly along his ranks, exhorting the young soldiers to reserve their fire, to aim low, and then to rush upon the horses.

Again the Cuirassiers charged the line; they were stopped by a leaden shower delivered at almost musket length, their horses rolled thickly on the ground, and the Fusiliers attacked the encumbered horsemen with the bayonet with such success that the whole party were captured or destroyed, and not a single Mousquetaire returned to tell the tale.[2]

[1] This is positively stated in several accounts of the battle, though it sounds incredible.

[2] An officer in the Sheriff's division says in a letter to his friends, published soon after, "The gens d'armes behaved most charmingly. They rode up to us on a full trot, with a broadsword slung on their wrists, and a pistol in each hand, which as soon as they had fired, they flung at our heads, and fell on sword in hand.

The hero of Quebec, then a young ensign in Du Roure's (now the 12th) regiment, writing to his father his own reminiscences of the battle immediately after, though belonging to another division had heard something of the Sheriff's morning's work; he commences thus—"The gens d'armes or Mousquetaires Gris attacked the first line . . . . they broke through the Scotch Fusiliers . . . . . but before they got to the second line out of two hundred there were not forty living, so they wheeled and came (back) between the first and second line," when all were slain, "except an officer with a standard, and four or five men who broke through the second line, and were taken by some of Hawley's regiment of dragoons. These unhappy men were of the first families in France."—*Life of General James Wolfe.*

Meanwhile the Duc de Gramont unadvisedly continued to pour his troops through the defile behind which he had been placed, and thus lost all the advantages of the French position. The action became general; everywhere Lord Stair was to be seen at the right moment, riding a dapple grey charger of his own breeding from the park of Culhorn.

The battle raged fiercely, until at last the French gave way, leaving five thousand men upon the field of Dettingen.

Lord Stair ordered all the cavalry instantly forward in pursuit, and the defeat was on the point of becoming a total rout, when again the jealousy and meddling of the courtiers disarranged his combinations, and to his extreme mortification, he was ordered to countermand the movement. The loss of the Allies was two thousand men, among whom was the Duke of Cumberland, wounded; the share of the Scotch Fusiliers was ninety-four.

A pleasing trait has been preserved of Lord Stair's character. Two French officers of rank were brought to his quarters desperately wounded. He desired his own surgeon to dress their wounds, and then ordering out his own state coach, sent them back under escort to the French head-quarters. One of the Frenchman, it is said, asked the British marshal what he thought of the battle. "I think," replied Stair, "that you made *one* mistake and that we made *two: Yours was passing that hollow* (alluding to their unfortunate rencontre with the Sheriff of Galloway), and not having patience to wait; ours were, first, getting into the *worst position possible* before a superior army; and secondly, *not following up the victory* which you really should not have let us win." When the battle was over, George II. was told of the Sheriff of Galloway's regimental pic-nic in presence of the enemy, an anecdote which greatly tickled the royal fancy, and off rode the king in high good humour to rally the baronet on his adventure. "So, Sir Andrew," he began, "I hear the Cuirassiers broke through your regiment to-day?" "Ay, please your Majesty," drily replied the Sheriff, "*but they didna gang back again!*"

The Allies next marched to Hanau and encamped. We have now before us a muster-roll of the Royal North British Fusiliers, dated "Aanau Camp, 3d August 1743." Immediately after this Lord Stair retired in disgust, to the delight of the German clique, and the heartfelt regret of the British officers. No sooner did the latter hear that his resignation was accepted, than they thronged to the Earl's quarters to testify their regard for their commander. George II. betrayed much annoyance at this significant mark of feeling, but the royal displeasure failed to check its expression. The French were very witty at the expense of the English king, for forcing a general to resign for having gained a victory. The English Parliament took up the matter more seriously; in the House of Lords, on the 9th of December, Lord Sandwich said, in the course of the debate—

"Lord Stair resigned a command in which he might disgrace himself, and could do no service to his country. Thus, my Lords, was England deprived at once of the counsels of her most penetrating statesman, and the arms of her most distinguished and bravest warrior. In Lord Stair were lost all that nature or experience had ever furnished to complete a general—a mind at once calm and intrepid, a temper at once active and resolute." And Lord Westmoreland afterwards paid this tribute to the distinguished Gallovidian—

"No sooner did the king arrive in the camp than the British general was divested of all real power. The man so long celebrated for his courage, his wisdom, and his integrity; the man who had so frequently signalised his zeal for the present royal family, was reduced to a statue with a truncheon in his hand, and was permitted only to share the dangers and hardships of the campaign, of which the Electoral divan regulated the operations."

In the winter a large family party met round the camp-fires at Ghent, consisting of the Sheriff, his brother, his eldest son and his nephew, as well as his relative Colonel James Stewart, M.P. for Wigtownshire.

Meanwhile, during her husband's absence, Lady Agnew, with a

spirit rising above the narrow belts of trees with which the Galloway lairds of the period used to deck their houses, laid off considerable plantations at Lochnaw. The brushy wood with which the hill above the Castle had been clothed in the days of the early Sheriffs had long disappeared, and the lady planted its slopes in the Dutch style, in which trees were arranged to form the most fantastic figures, joined by curiously converging avenues. Early in the spring the Sheriff paid her a visit, and these grand operations were intended as a surprise for his worship when he should first mount the hill to enjoy his favourite view. When, however, he was shown the result of his wife's anxiously considered plans, he is said to have been little complimentary, and to have delivered a contemptuous opinion that the trees would never grow. Fortunately, in this instance his usual sagacity was at fault, as the wood still flourishes—a principal feature in the place, and a sylvan monument to the good lady's memory.

During the winter the Sheriff's third son entered the navy, Colonel James Stewart kindly taking the boy to London, and after superintending his outfit, placing him on board ship at Portsmouth. In a letter in which he mentions the performance of these good offices, and encloses a note of his disbursements on the boy's account, one item strikes the eye as a strange necessity in a midshipman's kit—

"For two Bob-wigs and dressing—two pound one."

The Sheriff had soon to hasten back to the Continent; we find his whereabouts by a bill very formally endorsed to his younger brother, who had advanced him some money, to this effect—

"We, Sir Andrew Agnew, Baronet, Lt.-Colonel of H. M. Regiment of North British Fusiliers, and Captain Andrew Agnew, of Brigadier Skelton's Regiment, bind ourselves conjointly to pay to Major James Agnew, of Lieutenant-General Cope's Regiment of Dragoons, £200 sterling. Signed, sealed, and delivered, no stamped paper being to be had, at Berlegham Camp, 26th May 1744. Colonel James Stewart of the 3d Guards, witness."

During this summer the Scotch Fusiliers formed part of a force under Marshal Wade which penetrated the French territory as far as Lisle, returning to their old winter-quarters at Ghent.

Early in the spring the Sheriff paid another flying visit to Galloway, and previous to his return, the Duke of Cumberland had arrived in camp, and, marching to the relief of Tournay, unexpectedly found himself in presence of the French army at Fontenoy. Here a severe action was fought, in which the Sheriff's eldest son took a part; as also did his brother the major, who had a horse shot under him, and his colonel being disabled, he succeeded to the command of the regiment. His corps (now the 7th Hussars) lost fifty-six men and ninety-five troop horses in one charge.

The Scotch Fusiliers greatly distinguished themselves, but all their bravery was thrown away. They had forced the enemy's centre, and were still advancing, when, owing to the misconduct of the Austrians and Dutch, the Duke was obliged to order a retreat. Their loss, by regimental returns now before us, was two hundred and seventy-nine men and nine officers. Nine drums and eight halberts were also left upon the field.

The Sheriff, who meanwhile had landed on the Continent, was appointed to the command of the garrison at Bruges, to which the Scotch Fusiliers were also ordered. He at once made ready to take the field when called upon, and we have before us a memorandum of "what was new and what was repaired of the Honourable Sir Andrew Agnew, etc., of his camp-equipage at Brudges, May 15, 1745:—

"One new markie, with walls, and pins, and nabs.
"One ould tent repaired. Six new piquets for the horses.
"Three new sets of forage ropes. One new cover for the cart.
"Two scythes, three bridles, four new traces, harness repaired, etc."

The following letter is from his eldest son:—

"Camp, near Lessines, May 19, 1745.

Dear Sir,—It gave me great pleasure to hear of your safe arrival at Bruges. I return you a great many thanks for the mare; you may depend upon it that care shall be taken of her.

"I wrote to my mother the very night of the battle, and two days after, for fear my first letter should have miscarried. I acquainted her in those letters you was not yet arrived. I also wrote to Lord Galloway.

"The reinforcement of the Dutch troops are coming every day into camp, and it is expected by everybody that we shall soon have another battle. For my part, I don't care how many we have, if I have the same good luck in them all I had in the last. You may depend I shall let you know when anything extraordinary happens. You have no doubt heard by this time of our cousin William Lockhart's being broke for cowardice.

"Major Agnew is very well; he had his horse shot under him the day of the battle.—I am, etc. "A. AGNEW.

"To the Hon^ble^.

"Sir Andrew Agnew, Bart., Bruges."

A few days after, his brother wrote to him:—

"Lessines Camp, May 30, (O.S.)

"Does my dear Sir Andrew expect that I, who command a regiment in the field, can have so much spare time as to answer letters of so small consequence. However, if I had not received your letter to-day I had intended to have wrote to you to-morrow.

"When our affair was over at Tournay I was ordered on the rear-guard, but my anxiety was so great to know how the young laird was, that I sent my Drum, who brought me the agreeable news that he was very well. I had my horse shot, and a ball went through my belt, which resistance prevented its wounding me in the thigh. I was glad when we were marching to the attack that you was not there. My little *Mun* (Montgomery)

is at the Academic School at Breda, where he learns French, Dutch, mathematics, etc. . . . .

"I shall take great care of your horse, but if you had kept him at Bruges it would have cost you nothing, for whoever draws forage from the magazine is not to pay for it.

"I had a letter the other day from Auckland . . . . they are much rejoiced to hear that the blood of the Agnews escaped so well.—"I am ever, dear Brother, etc. JAS. AGNEW.
"Sir And^{w}. Agnew."

A day or two after this, his son again writes:—

"Camp, near Lessines, 3d June.

"Yesterday morning a courier arrived from Hanover with the field-officers' commissions signed; and they were in evening orders. I send you a copy. . . . .

"There is no news in camp, nor any word of marching. There are more Dutch battalions joining us every day; but if they don't do better than the others, they may as well stay at home."

Among the promotions in the list enclosed in this letter, are:

"3*d Regiment of Guards.*

"Col. Jas. Stewart, Major, first Major in room of Colonel Carpenter, killed; Earl of Panmure, second Major, in room of Colonel Stewart."

"Earl of Stair, Colonel of the Gray Dragoons."

(Lord Stair had been transferred from the Inniskillens to his old and favourite corps.)

An officer promoted from another regiment to his own, thus writes to the Sheriff:—

"Sir,—I had yesterday the happiness of kissing His Royal Highness's hand for a commission, as an officer who has the honour of being under your command; and I have taken the liberty of giving you this trouble.

"I assure you my late good fortune would have been heightened had it happened without prejudicing any one; but since Major Campbell's company is to be given out of the regiment, and I have the good fortune to succeed him, I shall study to deserve the affections of my brother-officers, and will esteem it a happiness if I have the good fortune to succeed.

"I am prevented from visiting your friends this evening at Ath by a sudden order for all the officers to stay in camp, which I believe is owing to an alarm this morning that the post at Shorin is to be attacked by a body of 7000 French.

"I imagine we shall not continue long in this camp; forage begins to turn scarce, and it's both expensive and troublesome fetching it from Mons. I am with the quarter-master-general reconnoitring the country from Lessines to Oudenarde, and roads are made for marching the army in five columns to the hill at Oudenarde. . . . The French have run up an entrenchment from Tournay to the Mark, and it's said they are beginning working upon another from Pont Espiers to the Lys.

"Lord Stair is to get the Grays.

"I shall not fail acquainting you of anything worth notice.

"Wishing you a good garrison, and all possible happiness—I am, sir, etc. DAVID WATSON.

"Sir And^w. Agnew."

The two division generals with whom the Sheriff had most to do, were Generals Bland and Campbell. The latter, who then represented Dumbarton in Parliament, and afterwards succeeded as fourth Duke of Argyle, was also Colonel of the Scotch Fusiliers.

On the 24th of May, he writes to the Sheriff immediately after Fontenoy.

"It is not necessary for me to give you a particular of our loss in the late *bloudy* action, as you can have it from those who were present. Stewart, the adjutant, is dead of his wounds;" and a few days afterwards, he forwarded to the Sheriff a list of all the commissions granted by his Royal Highness the Duke, in

the Royal North British Fusiliers, rendered vacant by the losses at Fontenoy.

"Lessines Camp, 31 May.

"As to the posting of the officers to their several companies, you may do in this what you think best and most proper for the good of the service.

"We have an irreparable loss in the two Stuarts" (the Sheriff's quarter-master and adjutant). "Duncan Campbell goes from hence to-morrow by way of Brussels to joyne you, and Mr. Roger Morriss shall set out in about a week to put himself under your command. He is one I have a particular concerne in, so I desire you will be so good as to take care of him as my friend, and order him to set about learning the manual exercise, etc., by which you will singularly oblige me. He is a very pretty boy, has had a very liberal education, and writes and speaks French, so that I can recommend him to you for an aid-de-camp. You'll find him vastly useful.

"I have a letter from Lieut. Robert Buchanan" (the Sheriff's adjutant), "wherein he advises the disposing of the horses of the dead officers, or turning them out to grass. There is one thing which you are not informed of, and makes it not necessary, which is, that no officers are to pay for their forrage since we took the field. . . . .

"You will take care that none of the officers dispose of their horses, as they may be very soon called into the field.

"The surgeon will, in a week's time, be able to joyne you. I should not have allowed him to be so long absent, were it not for the number of our officers who lay wounded at Ath; and who, thank God, are all likely to doe well.—I am, etc.

"JOHN CAMPBELL.

"Sir Andrew Agnew, Baronet, at Bruges."

Again, on the 4th of June, General Campbell writes:—

"I forgot to acquaint you that the Duke of Cumberland has pardoned all the deserters that have returned to their colours, so you may order one of the officers to examine Robert Semple

very strictly as to the particulars of his desertion . . . . but to tell him, that if he discovers honestly what he knows, you have my orders to pardon him. There would be no harm in desiring some of the company to look sharply after him, to see what company he keeps; for he may possibly be sent to give intelligence to the enemy, or to debauch some of our men. I mention these particulars as hints. Your own prudent management will direct you what is to be done towards having some intelligence of what passes secretly in your garrison.

"Let me advise you to take care that the officers don't presume to dispose of their horses or any part of their field equipage.

"I am surprised at hearing that you have ordered the stores of General Ponsonby's regiment to be taken into my house without asking my leave. I had much rather pay for the hire of a store-roome than admit of any things coming into my house which must breed confusion. . . . I have only time to add that I am yours, JOHN CAMPBELL."

With respect to the last rather angry remark, the General writes on the 14th in a mollified tone:—

"As to my house or anything else in my (possession), *you know is much at your service*, all I meant or expected was to be asked.

"Duncan Campbell writes me of your goodness to him. I have lent him ten pounds, and have given him an order for clothes to make up his regimentals; so that you will soon have him fit for duty. Adieu."

A few days previous to this the Sheriff had received his "route," and the command of the garrison at Ghent.

"Lessines, June 10, 1745 (N.S.)

"Sir,—It is his Royal Highness the Duke's orders, that on the arrival of Handasyde's regiment at your garrison of Bruges, you immediately march with the regiments under your command into the Citadel of Ghent, and remain there till further orders. You will please to send constantly a report of anything extra-

ordinary that happens to the head-quarters. . . The artillery stores which are ready at Bruges you are to take under your convoy, and lodge them with the other artillery stores at Ghent. —I am,

"ROB. NAPIER,
"*Aid-de-Camp to H. R. H.*"

"Sir Andrew Agnew, Bart."

Again—

"Lessines, June 16, 1745.

"Sir,—Handasydes having orders to escort the powder and artillery stores from Ostend to Bruges, it is His Royal Highness' orders that you take the said powder and stores, with what others there are at Bruges destined for the army, and bring them under your escort from Bruges to Ghent. The dragoons which are at Bruges are to make part of the said escort, and you are to acquaint the commanding officer at Ghent what day you set out, that he may send the dragoons that are there to meet you half-way. . . . You will let me know when the said stores will be at Ghent, that a detachment may be made from hence to bring them to the army.—Yours,

"ROB. NAPIER,
"*A.-D.-C.*"

"Sir Andrew Agnew."

"Lessines, Head Quarters, June 19, 1745.

"Sir,—Lt.-Col. Peachell has received H.R.H.'s orders to march from Ostend with the drafts of the foot-guards, and all the recruits that are there, with the cannon, ammunition, and all the artillery stores lately come from England, all which he is to deliver to your charge, and H.R. Highness orders you to march with the Scotch Fusiliers, the said drafts, recruits, cannon, and stores, with all the dragoons in Bruges, to Ghent, where you are to remain in garrison till further orders, and you are from Bruges to acquaint the Earl of Dunmore with the day you are to arrive at Ghent.

"If you should hear of any French detachments along the canal, you are to demand 200 men of Lt.-Col. Peachell to reinforce your command.

"And in case the stores or any part of them should come by water in bilanders, you are to march your command on the enemy's side of the canal, which is the right side.—I am, Sir, yr. most obt. humble servant, "BURY,

"*A.-D.-C. to H. R. H.*

"To Sir Andrew Agnew, Bt."

As he was on the point of marching for Ghent, on the 20th the Sheriff received a countermand, also signed by Lord Bury (afterwards third Earl of Albemarle), desiring him to remain in Bruges with the Scotch Fusiliers, draughts of the Guards, and recruits, until further orders, and the following day he received a letter from General Campbell at greater length. "I write this at a venture, hoping it will find you at Bruges, as it is possible that the express sent off yesterday in the afternoon may have reached you so as to prevent your march. . . . The Citadel of Tournay, reported yesterday to be surrendered, holds out still, so that I imagine we shall continue here till the fate of that important place is determined; this is all the news I have to send you."

On the 23d, however, the General writes to the Sheriff—

"You 'll no doubt hear that the Citadel of Tournay was surrendered last Saturday, most people think scandalously."

The next communication filed is from General Bland.

"Ghent, 29th June 1745.

"Sir,—Not being certain whether Colonel Powell is now at Bruges or still at Ostend, I am obliged to trouble you with the enclosed letter to him, which contains certain orders he is to execute. . . . You must give whatever detachment Colonel Powell desires to escort him half-way to this town; though I am in hopes he will require no more than what he brings with him and the 180 Foot Guards now at Bruges. I presume you will remain all this summer in Bruges.—I am, etc.

"A Monsieur, "HUMPHRY BLAND.

Mons. le Chevalier Agnew,

Commandant en Bruges."

The Sheriff was not, however, allowed much leisure at Bruges, the enemy in force threatening the Allied communications; and on the 14th of July he received the Duke's orders as follows:—

"It is his Royal Highness's orders that you are without further loss of time to throw the regiment under your command into Ostend, taking care at the same time to remove all the military stores, particularly 118 barrels of powder, with all the spare arms, clothing, and accoutrements left by any of the regiments in Bruges, and all private effects. But if you should not have time, you are to save the battalion and go directly to Ostend, which is to be the first consideration. "ROB. NAPIER,
"Sir Andrew Agnew, Bruges." "*A.-D.-C.*

A few days previously he had received a notification preparing him for this, from Gramont, 5th July. "It is his R. Highness's orders that if you find any large detachment of the enemy making movements towards Ostend, so as to endanger that place, you are immediately to march with your regiment and throw it into Ostend."

To Ostend accordingly he went, the duty he was upon being considered of great importance, as appears from a dispatch of the Duke's military secretary (the last which we shall quote)—

"Dieghem Camp, 20th July 1745.

"Sir,—His R. Highness commanded me to let you know that he takes for granted you are sufficiently apprized of the consequence of the town of Ostend, and that he doubts not but that from that consideration, as well as for your own honour, you will do everything in your power to defend it, in case of an attack, to the utmost.

"The Duke likewise expects that you give a regular and particular account as well to himself as to the Lords of the Regency, of the state and condition of the town and garrison of Ostend, and also of whatever is done or may be necessary to be done for its

defence; and particularly what may be done with the greatest appearance of success for providing against an exigency. And it will be necessary that you should be particularly exact in your notices of what is done or doing with regard to inundations.

"It will likewise be very well approved that you give an account of all you can learn relating to all the motions of the enemy, whether in large or small bodies, and likewise of all naval armaments you may hear of, especially from Dunkirk, or of any ships of war that appear in these waters.

"In the course of such a correspondence it will be necessary to guard against letters falling into the enemy's hands.—I am with truth, Sir, yours, etc. EVERARD FAWKENER.

"Sir Andrew Agnew."

At Ostend there was warm work; and after a gallant defence a capitulation was agreed upon, the garrison marching out with the honours of war. A letter from Major Agnew, of the 7th Dragoons, keeps us *au fait* in family news.

"Vilvorden Camp, 18th Sept. 1745.

"Dear Brother,—Your son marched last Thursday, it seems the orders did not come to the regiment till late at night, and we were encamped at some distance from them, so that I had not the pleasure to see him, nor did I know of their march till a soldier brought the mare. She is in good order, as likewise your other horse, and shall take care of them both till I have the happiness of seeing you, which I'm afraid won't be till winter-quarters.

"As to your son's horses, I don't know how he has disposed of them, but I know the Guards have orders to leave all theirs at Antwerp, and probably they will do the same, for everybody agrees they will be with us in the spring, if not sooner, and we are lately joined by 6000 Hessians.

"My son James[1] is now at Louisbourgh (Cape Breton) and

[1] James Agnew, the Sheriff's nephew, distinguished himself in America, and in 1775 was made aid-de-camp to the king, with the rank of colonel. The following year he was a brigadier-general, and was killed at the battle of Germans-

was at the siege of it, which lasted *longer than yours*, for it took them six weeks; he was slightly wounded in the left knee, but is now quite recovered; he was also at taking the man-of-war of sixty-four guns, which proves a very rich prize, and I hope his share will turn out £1000.

"Since the affair of Melle, Handasyde's (16th) has been at Antwerp, and is now in a very sickly condition, one half of them in the hospital. Poor Willy has had a fever and ague, as indeed many of their officers, but is now quite recovered.

"I heard lately from Auckland and York, when all friends there were very well, as likewise from my little Mun. at Breda.

"It was no doubt great joy to Lady Agnew to hear you got well from Ostend, and I wish you was here, for we have our own fears about you, though I think it too late in the year; and ever am sincerely, dear brother,

"Your ever affectionate brother and humble servant,

"JA. AGNEW."

"Sir Andrew Agnew, Bart., at Mons."

A funny camp story has been preserved of these days, to understand which it is necessary to bear in mind that in the Lowlands of Scotland "a Lammermuir lion" is a proverbial expression for a sheep.

After the affair at Ostend the officers of the garrison were talking over the incidents of the siege at the dinner-table, and became very noisy as they fought their battles o'er again. Some of the younger ones became very eloquent on their own prowess, till the commandant, getting tired, thought it time to give them a hint. Behind his chair stood a faithful servant, a Lammermoor man—almost as great a character as his master—who had followed him closely in many a field. "John," said the Sheriff,

town, 4th October 1777. "Musgrove was almost overpowered by Washington, when Brigadier-General Agnew came to his assistance and attacked the Americans with great spirit, and in a short time Washington's columns were either foiled or repulsed; he then retreated, leaving 800 killed and wounded and 400 prisoners. The British loss was 500 killed and wounded; among the former was Brigadier Agnew."—Holmes' *Annals of America;* and *Pictorial History of England.*

dryly, "I think I looked as bold a man yesterday as any one in the brigade; what do you say, my man?" "Aye, Sir Andrew," answered the batman, with a twinkle in his eye; "you looked for all the world *just like a lion!*" An uproarious burst of merriment greeted this response, in which the Sheriff heartily joined, supposing it was due to his own wit at the expense of his officers. The tables, however, were soon turned, for, as he good-humouredly continued, "And where ever did *you* see a lion, you scoundrel?" a jolly young subaltern interposed, "Oh, sir! there's *plenty of lions* in John's country—surely you know that a Lammermoor lion is a sheep!"

Among these merry young officers was Sir James Carnegie, member for Kincardineshire, and representative of the attainted Earl of Southesk, who was then the Sheriff's junior captain; of whom we find a memorial in the shape of a return of arms and accoutrements "lost at the siege of Ostend, of Captain Sir James Carnegie's Company of the Royal North British Fusiliers, viz., three firelocks, seven bayonets, seven hangers, three pouches." Sir James's grand-daughter Madeline was married in 1816 to the Sheriff's great-grandson Sir Andrew Agnew of Lochnaw; and his lineal descendant, Sir James Carnegie, obtained a reversal of his ancestor's attainder by Act of Parliament in 1855, and is the present Earl of Southesk.

The Sheriff soon after marched from Mons to Brussels, when by a return, dated the 20th of October, we find his regiment had in store "140 tents and twelve bell-tents," and he makes a requisition for the immediate "supply of 328 tent-poles, 123 hatchets, 744 flasks, and 130 kettles!"[1]

[1] A rich crimson silk standard, on which are emblazoned the family arms, is preserved at Lochnaw; always said to have been carried as the second, or regimental colour of the Scotch Fusiliers at the battle of Dettingen, and to have been borne at the head of his regiment as long as the Sheriff was in command.

CHAPTER XXXIV.

THE SIEGE OF BLAIR.

But bring a Scotchman frae his hill,
Clap in his cheek a Highland gill,
Say, such is royal George's will,
And there's the foe,
He has no thought but how to kill
Twa at a blow.—BURNS.

MEANWHILE the alarm of rebellion had been sounded at home. On the 17th of August the Pretender had landed in Scotland, and by the 21st of September he had occupied Edinburgh. Orders were sent to the Duke of Cumberland to send back his choicest regiments, and among others the Scotch Fusiliers were ordered to embark forthwith.

The transports bearing the Sheriff and his corps anchored in the Thames on the 4th of November, and he disembarked the following day. Here his shattered ranks were recruited by a large body of fine young men lately enlisted in Scotland, and his corps was inspected by his old commander Lord Stair, who, notwithstanding the slight lately put upon him, had offered his services at the first appearance of danger, which were graciously accepted, and the old peer had been gazetted as Commander-in-Chief of the Forces in South Britain.

The Sheriff was indefatigable in drilling his young soldiers, and in the course of a fortnight, his corps being in splendid order, he was ordered towards the north.

His orders from the War Office were as follows—

"It is his Majesty's pleasure that you cause the regiment under your command to march by such routes and in such manner as you shall think most convenient, thus: to Aylesbury

five companies, to Thame two companies, to Buckingham three companies, where they are to remain till further orders. The civil magistrates and others concerned are to be assisting in providing quarters, impressing carriages, and otherwise, as there shall be occasion.

"By his Majesty's command, in the absence of the Secretary of War,

"EDWD. LLOYD."

Within a few days he was ordered to join the main army under the Duke of Cumberland, which was now prepared to move, which he did with all expedition.

The Pretender meanwhile, apparently carrying all before him, was advancing rapidly towards the south, and on the 4th of December he entered Derby. Here it is said, that having dined, he sent out the Duke of Perth to endeavour to procure a London paper, and that his Grace succeeded in securing the latest copy of *St. James's Evening Post*, on opening which, the royal circle were greatly enlivened by reading this advertisement, conspicuously printed in large type.

"Run away from their masters at Rome, in the dog-days of last August, and since secreted in France, two young lurchers of the right Italian breed, being of a black-tan colour with sharp noses, long claws, and hanging ears; they have been taken abroad for King Charles II. breed.

"They are supposed to be on a hunt for prey in the North. They answer to the names of Hector and Plunder, and will jump and dance at the sound of the French horn.

"This is to give notice, whoever can secure this couple of curs, and bring them back, either to the Pope's Head at Rome; or to the Cardinal's Cap at Versailles; to the King's Arms at Newcastle-under-Line; or to the sign of the Axe at Tower Hill, shall have a reward of any sum below a crown.

"*N.B.*—They have each a French collar on, stamped with their Father's Arms, a warming-pan and a fleur-de-lis.

"Beware of them, for they have got a smack of Scots-

mange, and those that are bit by them run mad, and are called Jacobites."[1]

Contemporary with this anecdote of the rebel camp, is one of the bivouac of the Scotch Fusiliers. Drawn out on Meriden Common after a long day's march, they received a bountiful and most welcome supply of warm under-clothing, which had been subscribed for by the Quakers, who sent agents to deliver this gift to every corps advancing against the Pretender. The Sheriff having paraded his men and called the rolls, each individual got a flannel waistcoat and other comfortable articles. An eye-witness states that a private soldier thereupon stepped forward, and with great eclat delivered this grateful impromptu—

"These friendly waistcoats keep our bodies warm,
Intrepid now we'll march and fear no harm;
Far beyond coats of mail they're sure defenders,
Proof against Pope, the Devil, and Pretenders.
The Highland plaids of no such power can boast,
And thus we'll rush the foremost in the host,
Exert our utmost art, our utmost might,
And fight for those whose creed forbids to fight."[1]

The Scotch Fusiliers in their warm waistcoats marched on cheerily next day in Lord Sempill's brigade, and on the 12th of December they arrived at Preston, which the dispirited rebels had evacuated a few days before.

At Preston the Sheriff met his youngest brother, John. John Agnew was quartered at Doncaster with his regiment, the St. George's Dragoons (now the 8th Hussars). On the 10th of December this corps had received orders to co-operate with the pursuing army, and with so hearty a good will was the command obeyed, that notwithstanding the roads being obstructed by snow and ice, and the weather very severe, they marched upwards of a hundred miles in three days, entered Preston simultaneously with the van of the royal army, and on the 13th moved on with the advancing column. On the 20th the army halted at Penrith for very needful rest (the rebels having only

[1] Ray's *History of the Rebellion.*

evacuated it as they entered), and next morning, parading before daybreak, they marched out of Penrith at 4 A.M., in battle array. St. George's Dragoons formed the advanced guard; the Duke of Cumberland led the infantry along the post-road, with a division of calvary upon either side. At one o'clock they came in sight of Carlisle; St. George's Dragoons, with a division under General Bland, then making a circuit, invested the town on the Scotch side, while the Sheriff was ordered to watch the sallyport and prevent the escape of the garrison.[1]

Within a few days Carlisle Castle surrendered, and we find the Sheriff again on the track of the rebels who were retiring northward from Dumfries.

Great must have been the satisfaction of his good lady, when she heard that the gallant Scotch Fusiliers were interposed between the unprotected province of Galloway and the rear of these terrible Highlanders. For some weeks they had had Dumfries in their possession, and as disaffection existed in the Stewartry, the fair dame had lived these weary days in dread of an incursion of these Jacobite hordes to Lochnaw, where the reminiscences of the doings of the Highlanders in 1679 remained as a very disagreeable family tradition.

The rebels, on retiring from Dumfries, carried away with them a large amount of plunder, and, retreating to Glasgow, another Whig city, they there divested themselves of their travel-stained garments, and helping themselves freely to everything comprised under the name of soldiers' necessaries, they emerged from it on 3d of January, in spick and span new clothing, leaving the bills unpaid.

Previous to this the Pretender had addressed a very peremptory letter to the magistrates, one of whom was of the

[1] Mackenzie, with a partiality excusable in a Gallovidian, gives all the credit possible to the Sheriff—"The Duke of Cumberland stationed the heroic Sir Andrew Agnew at the sallyport, to prevent any of the garrison escaping by that outlet"—adding, as a quotation from Chambers, "Sir Andrew Agnew was accounted one of the bravest men that ever belonged to the British army"—Hurrah for Galloway!

Garthland family, from Leckie Park on the 15th of September, in which he says—

"Fifteen thousand pounds sterling and whatever arms can be found in your city is at present what I require. The terms offered are very reasonable and what I promise to make good. *I chuse* to make these demands. But if not comply'd with I shall take measures and you must be answerable for the consequences. (Signed) CHARLES, P. R."[1]

The rebels now occupied Stirling, and General Hawley, advancing to attack them, was by his own mismanagement ignominiously defeated at Falkirk.

But fortunately the Duke of Cumberland with the veterans of Dettingen was at hand; and on their approach the rebels crossed the Forth, blowing up the bridge. This his Royal Highness speedily repaired, and on the 4th of February "the rock and the wee pickle tow" awoke the echoes of the morning as the Sheriff at daybreak led his Fusiliers across the river. That afternoon he cantoned his men about Dunblane, and in two days more arrived at Perth. Here the Sheriff was selected for special service, and received his orders in the following autograph letter from the Duke:—

"Perth, February y^e 7^th^ 1745-6.

"Sir Andrew Agnew,—You will possess yourself of the Duke of Athol's House at Dunkeld, and from thence send out such parties as you shall judge proper, to annoy the rebels.

"You will get the best intelligence you can possibly, for which you are not to spare any money, of which you will make an account, and it shall be repaid you.

"You will drive cattle into your inclosures for the support of your detachment, giving receipts for those which do not belong to rebel subjects. You will constantly send reports to me, and all the intelligence you can have.

"If you are attacked you will defend yourself to the utmost,

[1] This letter is among the papers of General M'Dowall of Garthland.

as the rebels have no artillery but 3-pounders to annoy you, and as succour will be sent to you.

"If any officer or soldier should refuse to defend the house to the utmost, you will let them know you have my orders and power from me, to inflict punishment, *even death*, for such disobedience, *without a court-martial*.

(Signed) "WILLIAM.

"Lt.-Colonel Sir Andrew Agnew, Bart.

"Commanding at Blair in Athol."

In conformity with this order the Sheriff left Perth the following morning, and marching through the Pass of Killiecrankie without opposition, took possession of Blair Castle, which he garrisoned, establishing his own head-quarters at an inn at the neighbouring village. He then, according to his instructions, proceeded to reduce the neighbouring country; dispatching Colonel Leighton, his second in command, to Castle Menzies with 500 men.

The Sheriff soon found that the inhabitants were disaffected. The Duke of Athol himself professed to be a loyal subject, but almost all his vassals had followed the rebel standard, and his brother Lord George Murray was the most active of the Pretender's generals.

The able-bodied men had generally left the country, whilst the old men, and the ladies of the lairds who were out, who alone remained behind, kept the rebels informed of all the movements of the royal troops.

The Sheriff made it his first business to intercept this correspondence, to effect which he established a chain of posts commanding the whole communications of the district, thus very considerably reducing his force at Blair-Athol. A few days after his arrival he was much embarrassed by hearing that the duke himself proposed returning to his own house.

This was announced to him by his Royal Highness:—

"Perth, February 13, 1745-6.

"Sir Andrew Agnew,—The Duke of Atholl, coming down to

Blair to take possession of his estate, I desire that you would have all the regard and civilities pay'd to him that are possible. The Duke of Atholl will give you the names of such of his vassals as are within eight miles of Blair, that joined in this unnatural rebellion. You are to seize their persons, if possible, and keep them in safe custody till further orders. You may seize their effects for the use of His Majesty's troops employed by you on such occasions; and whatever stacks of corn or hay they may be possessed of, you are to cause them to be conveyed to Blair, for the use of His Majesty's forces; and you are to burn and entirely demolish their houses and habitations.

"You are further to assist the Duke of Atholl in collecting and seizing all the arms which may be found in the country for His Majesty's service. (Signed) WILLIAM.

"To Sir Andrew Agnew,
"Comg. the King's Forces at Blair."

The Sheriff had now a very ungracious duty to perform in still holding the duke's own castle after the arrival of its noble owner; the more awkward as the duke, after his professions of loyalty, which were not openly questioned, had fully expected that his mansion would be handed over to him unconditionally. This the Sheriff declined to do, insisting upon keeping a party of soldiers in it, upon which his Grace, highly dissatisfied, thus officially addressed him:—

"Dunkeld, 14 Feb. 1746.

"Sir,—I am sorry to understand that the men under your command are committing so many disorders at my house;—are within my enclosures with the pretence of wanting provisions, firing, etc., when there are so much of all kinds of provisions necessary for the king's troops in the neighbourhood belonging to the rebells. I believe you have his Royal Highness's commands in respect to this, and conform to his orders I send you a list of my vassals and other gentlemen that are in rebellion eight miles round Blair.

"I came here on my way to Blair, and shall be there as soon

as I know from you that I can have my accommodation for myself in my own house.

"I am, Sir, your humble servant,

(Signed) "ATHOLL.

"To the Hon^ble^. Sir Andrew Agnew, Kn^t^. Baronet."

As a further proof of his loyalty, the duke enclosed a long list of those of his vassals within eight miles of Blair-Athol who were out with the rebels.

To this the Sheriff replied that he was bound to guarantee the castle against a coup-de-main of the rebels at all hazards, which if the troops were withdrawn his Grace could not do, and hence that he must maintain a garrison there for the present.

On receipt of this letter the Duke of Athol left the country in high dudgeon; previous to starting he wrote to the Sheriff as follows by way of protest:—

"Dunkeld, 16 Feb. 1746.

"Sir,—I have this moment received yours in answer to mine of the 14th. As my house is filled with the troops under your command, so that I can have no room in it for myself, will make my being in the country both disagreeable and inconvenient for me; there are houses belonging to the rebells in the neighbourhood of Blair sufficient and large enough to contain all the troops under your command, both officers and private men, and that perhaps would be making a better use of them at present than burning. I cannot presume to give any opinion relative to his Royal Highness's orders to you;—*Quartering in my house only I find is very punctually obeyed,* this certainly whatever room there was for it at first is now removed, my last intelligence being that the rebels are marched from Ruthven and are at a much greater distance from Atholl. The bearer, Commissary Bissat, will give you all necessary assistance in getting provisions for the troops, and what else is needful.

"I am, Sir, your most humble servant,

(Signed) "ATHOLL.

"To the Hon^ble^. Sir Andrew Agnew, Kn^t^. Baronet."

The value of the duke's information we shall presently see. Meanwhile the Duke of Cumberland prepared to leave Perth, and sent these further orders to the Sheriff—

"Perth, Feb. 19, 1745-6.

"Sir,—As the army is on its march, his Royal Highness has ordered me to acquaint you of the disposition of posts here, which you will please to reinforce if there should be occasion, and support in case they are pressed. Biscuit and cheese for 20 days has been sent to you as a store, which you will keep; as bread will every four days be sent from hence, where the North British Fusiliers and a squadron of St. George's Dragoons remain in garrison. The posts above mentioned are:—

"At Blair under your command	500	Regular Troops.
„ Castle Menzie	200	„
	700	
"At Blarhatie	60	Argyleshiremen.
„ Kennychan House	100	„
„ end of Loch Rannoch	100	„
„ Glengoulin and Cushavik	60	„
"The Clachan of Balquidder and west end of Lochearn	50	„
„ Dunkeld	50	„
	420	Argyleshiremen.
"In the House of Leng	70	Perth Company.
	490	

"The posts nearest Blair, in case they should be forced to retire, will come to Blair, and those nearest Castle Menzie, should they be obliged to retire, will go to Menzie.

"The posts are to report to you, and you will constantly send reports to his Royal Highness at Montrose or Aberdeen.

"If the Argyleshiremen or the Perth Company should want any assistance to annoy the rebels, you will give it them from the regular troops.

ROB. NAPIER,

"*Aid-de-Camp to H.R.H. the Duke.*

"Sir Andrew Agnew, at Blair."

The Sheriff, a precise old soldier, scrupulously carried out his instructions. He could depend little on local intelligence, the gentry being all anxious to deceive him with regard to the enemy's movements.

One lady only in the neighbourhood, who was styled Lady Faskally, showed any signs of loyalty, and she exerted herself to procure provisions for the king's troops, and was occasionally a guest of the Sheriff's at the inn at Blair, where she was treated with high consideration. Not that she was the only lady whom he entertained during his stay there. One morning a party marched in conveying a distinguished prisoner, the lady of Robertson of Lude, a sister of Lord Nairn, who had been arrested by one of Sir Andrew's officers on a charge of high treason.

The Sheriff, however stern to clansmen in arms, was not accustomed to make war upon women, and although he knew that her husband was notoriously a rebel, affected to allow himself to be talked over; and receiving her superabundant professions of loyalty as perfectly sincere, he released her with many apologies for the inconvenience which she had sustained, at the same time proffering her such hospitality as he could afford. The lady, whose appetite had been sharpened by her morning's excursion, all her anxieties well over, thankfully accepted Sir Andrew's offer, and a merry party sat down at the inn at Blair, the worthy commandant presiding. The best claret was produced, the fair guest was fascinating as well as comely, and after a very hilarious afternoon the Sheriff had the lady escorted to her own residence by one of his own officers, to which she returned well enough pleased with her adventure, and entertaining far less bitter feelings to the reigning house than if she had paid a more rigorous penalty for her Jacobitism.

The Duke of Cumberland had so fully calculated upon his ability to keep open his communications with the Sheriff, that he had undertaken to supply him with provisions from Perth; and so little did his Royal Highness anticipate his being besieged, that he declined to furnish him with either artillery or any considerable supply of military stores, having no super-

abundance of either himself. Of all this Lord George Murray was perfectly well informed, and knowing every inch of ground in the whole neighbourhood, he formed the bold plan of cutting off the Sheriff's posts by a well-concerted movement, and then starving him out of his brother's castle.

The rebels held all the passes between Blair and Inverness, and no certain intelligence could be procured of their movements, but it was generally believed that they were retiring. Lord George, in order more completely to deceive the Sheriff, withdrew the post nearest to him at Dalnaspidal, ordering, at the same time, a large body of picked men to rendezvous at a retired spot very near it the following evening.

Here he arrived himself at the appointed hour, mustered his force, told off a detachment for every post of the Sheriff's, each party superior in numbers to the one it was to attack, commanded by a trusty officer; and with such secrecy was the whole conducted, that it was not till midnight that the men themselves knew how they were to be employed. They were then marched off with orders to steal cautiously up to the several royal stations, the garrisons of which they were to disarm and secure, stabbing every man who made the slightest resistance. This done, they were to reassemble with their prisoners at the Bridge of Bruar before daybreak; and hither Lord George, with Macpherson of Cluny, escorted by twenty-five men and all the pipers and standard-bearers of the division, repaired to await the result of the expedition.

Blair Castle alone, where the Sheriff himself was quartered, was ordered to be left unmolested, it being proposed to invest it with the whole of the forces the following day.

The Highlanders, admirably fitted for the service they were employed in, sped well upon their mission. Nearly thirty of the Sheriff's posts were surprised, and their defenders either killed or taken. The inn at Blair was also attacked, but here most of the officers being billeted, they offered a more vigorous resistance than was expected, and all succeeded in fighting their way into Blair Castle. Within its walls the Sheriff was sleeping soundly

when he was woke up by the startling intelligence that all his posts were cut off, and that the whole country-side seemed alive with rebels.

Springing from his couch, he ordered every man to turn out, and mustering his forces, he found exactly two hundred and seventy fit for service, with whom, leaving but a small guard behind, he sallied out, and marched straight for the Bridge of Bruar.

Here, but for an unfortunate mistake, he would soon have been even with the rebel commander. A Highland spy hovering near in the darkness, outran the royal troops, and arriving breathlessly a few minutes before them, warned Lord George Murray of their approach. My lord was sorely puzzled; to fight was out of the question, to retire was to sacrifice all the fruits of his well-planned raid;—a bold stratagem luckily suggested itself to his mind.

Near the bridge extended a long turf dyke, and along this, at intervals, he placed his standard-bearers and his pipers, his five-and-twenty men were ordered each to personate field-officers at the head of regiments in contiguous close columns. Hardly had they settled into their allotted positions when the regular tread of troops could be heard advancing from the westward; to these, on the other hand, the first rays of the rising sun, as they streaked the horizon, discovered the numerous standards of the enemy. A moment after, the gleam of claymores caught the eyes of the royal officers, hoarse-toned words of command rang along the opposing line, whilst the deafening noise of twenty pibrochs woke the echoes of the glen. To the Sheriff it appeared that the whole rebel force now confronted his little party, and though, *had he been ordered*, he would have dashed at their army without a moment's hesitation, it was very different now that he had himself the responsibility of command. Far from assistance, with no artillery, and defeat apparently inevitable, prudence imperatively dictated a retreat, and to the no small joy of the rebels old Sir Andrew faced his men about and returned to Blair.

Hardly an hour had elapsed after his disappearance, ere the

rebel detachments returned to their chief, having been almost uniformly successful, and bringing along with them 300 prisoners.

Lord George now proceeded to carry out the other part of his programme, which was with his greatly superior forces to invest the castle of Blair. But here the Sheriff was too much for him: on his return, with great alertness, he instantly collected all the fuel and forage within reach, and stored it in the castle, he also conveyed there his sick men from the neighbouring houses, and calmly awaited the attack. The rebels soon approached in high spirits, numbering three or four to one of the royal troops, and furnished with two small field-pieces; but although the gallant Sheriff kept his men under arms outside the castle for many hours, they showed no stomach for an attack. Presently Sir Andrew, finding that the Highlanders declined to accept battle, drew his men inside the castle, and made preparations for a siege. Upon this, the Highlanders closed in after him, up to the very doors, and so closely was the place invested that the picket-guard, in charge of an officer, was cut off from the garrison, and had to fight their way in at considerable risk, bringing in with them all the officers' horses from a contiguous stable, with the exception of one wretched animal, which, to save the risk attending taking it to the stables under so brisk a fire, was pushed into a cellar under one of the towers, and there shut in without forage or water. The siege thus fairly commenced.

The Sheriff's first act as an old soldier was to take a survey of his resources, and the result was not cheering; for ammunition he had barely nineteen rounds per man, and as for provisions (excepting a very small stock in his private larder), there was nothing but a very moderate quantity of biscuit and cheese. Even water was not abundant, as this had hitherto been brought in from a brook—inside the castle there was certainly a deep well, but this required much labour to draw from, and only yielded a very limited supply, quite inadequate to the wants of the whole party, which, including the Duke of Athol's servants, consisted of upwards of three hundred persons. The

Sheriff upon this settled that the daily rations for each person should not exceed a pound of biscuit, a quarter of a pound of cheese, and a quart bottle of water; and a guard was posted at the well to enforce this order, and regulate the supply. He moreover was obliged to issue an order, which occasioned far greater mortification, that no soldier should under any provocation whatever discharge his firelock without leave.

He next ordered the great door at the bottom of the staircase to be barricaded, and there he also placed a guard, and having allotted his men their stations in the various apartments, he intimated his intention of defending the castle to the utmost extremity.

A description of the castle by one of this gallant little garrison brings the whole scene before us.[1]

"Blair Castle was then irregular and very high, with walls of great thickness, having what was called Cumming's Tower projecting from the west end of the front of the house, which faces to the north. The entrance into the ground story of that tower was by a door in the centre of its east side without the house, but it might be defended by musket-fire from some of the windows. The great entrance into the house itself was by a large door on the east side of the staircase projecting from the front to the north, and adjoining to the east gavel of the old house a square new building had been begun, but only carried up to a few feet above some joists fixed for the first floor.

"There was at four or five yards' distance eastward from that new building a strong wall running north and south for forty or fifty yards, and fifteen or sixteen feet in height, forming the end of a sunk bowling green, and serving as a strong retaining wall to the above; above the centre of this wall was a pretty large recess for holding the bowls, and into which persons might occasionally retire. Along the north side of this

[1] "An original and genuine narrative of the remarkable blockade and attack of Blair Castle by the forces of the rebels in the spring of 1746: By a Subaltern Officer of H.M. Garrison," published 1808. By General Melville, then an ensign. The inverted commas, when not otherwise explained, denote quotations from this work.

bowling-green ran a range of office houses (but between this period and the autumn of 1777, when the writer of this had the honour to visit the Duke and Duchess of Atholl, there had been great alterations made)."

Lord George Murray, knowing well the weakness and the poverty of the garrison, secreted marksmen amongst the enclosures, expecting them to sally out, hoping still further to reduce their numbers; and tried hard to make them squander their ammunition by keeping them in a perpetual state of excitement, for he calculated confidently on starvation soon enforcing their surrender under any circumstances.

According to the custom of war in like cases, he indited a formal summons to surrender, couched as follows:—

"Sir Andrew Agnew, baronet, commanding the troops of the Elector of Hanover, is hereby required to surrender forthwith the Castle of Blair, its garrison, military stores, and provisions, into the hands of Lieutenant-General Lord George Murray, commanding the forces there of His Royal Highness the Prince Regent.

"As the said Sir Andrew Agnew shall answer to the contrary at his peril."

Having heard strange stories from the Highlanders of the quick temper of the Sheriff of Galloway, and wishing to irritate him to the utmost, he wrote this letter by way of bravado on a shabby piece of brown paper, and ordered the discreditable-looking note to be delivered at once to his worship. This was, however, much easier said than done. The Highlanders about had impressed the new comers with such ideas as to how terrible a personage the Sheriff was, that not a man of them could be induced to obey this order, fully believing it was as much as their lives were worth to go on such an errand.

In this dilemma, Lord George was introduced to a comely young barmaid between whom and the royal officers much flirtation had been carried on, and was assured that she could easily be induced to carry a message, the ostensible object of which was to save her friends from certain destruction; especially as she had no reason to fear any maltreatment at their hands.

Lord George greatly relished this idea, and on his assuring the girl that if he was obliged to batter down the castle all her friends would certainly be hanged, she unhesitatingly volunteered to warn them of their danger; my Lord and his staff meanwhile taking a post of observation to witness the result.

On she sped on her mission of mercy, and arriving at a window, several of her friends appeared there forthwith, to whom she confided her errand, entreating them all, with tears in her eyes, to surrender at once; consoling them with a promise of very good treatment from the Highlanders.

One of these merry youths was Ensign Melville, who, when an old general, thus penned his reminiscences of the scene:—

"That speech was received from Molly with juvenile mirth by the officers, who told her, those gentlemen would soon be driven away, and the garrison again become visitors at M'Glashan's, as before. She then pressed them that the summons should be received from her and carried to Sir Andrew, but that was positively refused by all, excepting a lieutenant, who, being of a timid temper, with a constitution impaired by drinking, did receive the summons; and after its being read, carried it up to deliver it to Sir Andrew, with some hopes, doubtless, of its having success. But no sooner did the peerless knight hear something of it read, than he furiously drove the lieutenant from his presence, and '*to return the paper*,' vociferating after him so loudly on the stairs strong epithets against Lord George Murray, with threatenings to shoot through the head any other messenger whom he should send, that the girl (as he had intended) perfectly overheard him, and was glad to take back the summons and to return with her life to Lord George. He, with Nairne, Clunie, and some other principal officers, were seen standing together in the churchyard of Blair to receive her, and could be observed by their motions and gestures to be much diverted with her report."

Lord George got his two guns into position, and commenced cannonading, but with no other effect than extracting a few jokes from the Sheriff, who, as he went his rounds, delighted

the soldiers by sundry dry remarks, such as, "My Lord is *playing ball* against the walls of Blair Athol;" or, "Is the loon clean daft knocking down his own brother's house?"

The rebels had taken possession of the bowling-green, and all the offices on the north of the castle, and the Sheriff, to check their progress here, told off five-and-twenty men under Ensign Melville, for the defence of the new unfinished building previously mentioned. These men, called the Platform Guard, had to pass by a doorway from the east gable, thence to descend by a ladder on the open joists, over which they then laid such boards as could be hastily collected, and then by various makeshifts secured themselves as well as they could from the weather; they remained in this isolated position, and held it without any relief during the whole of the blockade.

Lord George, growing impatient, erected furnaces, and threw red-hot balls in at the windows, and on the roofs. But the Sheriff ordered a tub to be placed in every room, and supplying his men with some of the Duke's ladles, the balls were so sharply watched for and picked up in these that they did no damage beyond charring the spots where they fell.

About a week after the commencement of the siege a knocking was distinctly heard under the ground-floor of the castle. After a brief consultation, it being but too evident that miners were at work, the Sheriff decided that a counter-mine should be started. It was suggested that there were no mining-tools of any sort; but their chief had been brought up in a school in which impossibilities were not believed in, and his only reply in this awkward dilemma was that the castle must be searched, and that something suitable for the purpose must be found! Whilst rummaging every corner on this service, an intelligent officer found a soldier chopping blocks of wood in one of the highest rooms of the tower; an idea struck him! a code of signals was preconcerted between them; he flew to the cellars, a given number of knocks were heard; there was a pause; again the same number as agreed upon, till, to his unbounded joy, he felt satisfied that although the sound appeared to proceed from under

ground, yet it was simply the vibration of the blows struck in the tower. So this terrible fright ended in a hearty laugh at their morning's alarm.

Time wore on, and still no relief approached, and even the frugal relish of a daily quarter of a pound of cheese had become but a recollection of the past! The soldiers, however, never despaired, and felt assured "that Sir Andrew's good luck would certainly help them out in some way or other, for they had heard strange stories of their commandant, as of his never having been sick, or wounded, nor in any battle that the English did not win."[1] They also felt assured, writes an eye-witness, that if things came to the worst they would be led on gallantly to cut their way through the enemy, and that their chief would never surrender either himself or them as prisoners to the rebels.

Lord George Murray redoubled his provocation: his men, becoming bolder on finding that they ran little risk of being shot at, showed themselves openly in the courtyard, hurled stones against the castle accompanied by many coarse jokes directed especially against the commandant; and fired wantonly into every window, greeting any head that might be protruded for a moment, with a regular volley, which the well-disciplined garrison were absolutely forbidden to return.

For a fortnight this continued, during which the Sheriff showed himself too good a soldier to abandon his post, hungry and ill-supplied as were his men; and too old a one to be provoked into a sally which it was not his policy to allow. He knew that every day he could detain so large a force before Blair was of the greatest advantage to the king; and here he determined to stay as long as a single mouthful of biscuit remained in store.

Time, however, hung very heavily the while on the hands of the younger officers, who, in default of all other sources of diversion, at last bethought them of a joke at the expense of their commander. As a part of the plot they had to purloin a portion of the great man's wardrobe, an audacious act sufficiently easy to

[1] Original Narrative.

effect, as the good Sheriff was constantly going his rounds from room to room. Taking advantage therefore of his zeal, these frolicsome youths possessed themselves of a full suit of the brigadier's uniform, with which, with the assistance of some straw, they soon produced an excellent imitation of his figure. They then placed the stuffed Sheriff at a window of the tower, with a spy-glass in his hand, in the attitude of reconnoitring the rebels.

"This apparition," says Sir Walter Scott, "did not escape the hawks' eyes of the Highlanders, who continued to pour their fire upon the turret-window without producing any adequate result. The best deer-stalkers of Athole and Badenoch persevered, nevertheless, and wasted, as will be easily believed, their ammunition in vain on this impassible commander. At length Sir Andrew himself became curious to know what could possibly induce so constant a fire upon that particular point, and ascending the turret himself, there he saw his other identity standing under fire as stiff, as fearless, and as imperturbable as himself."[1] The Sheriff was somewhat scandalised at the irreverent deception, and instituting inquiries, the author of the plot was induced to confess his guilt; upon which, with awful gravity, he delivered sentence upon the culprit to this effect:—"Let the loon that set it up just go up himself and take it doon again!"[2] The retributive justice of the penalty no one could deny; and the whole garrison laughed heartily at their chief's award, with the exception of the practical joker, who much disliked his errand. This prank is said not to have been without a salutary effect; the clansmen, already predisposed to regard the Sheriff with a superstitious awe, now found their surmises as to his invulnerability so thoroughly confirmed, that henceforth they became hopeless of success.

The biscuit in the castle being all but exhausted, the Sheriff determined to make an effort to communicate with Lord Craw-

[1] Scott's *History of Scotland.* Chambers' *Eminent Scotsmen.*

[2] "Sir Andrew's high sense of discipline rendered him, though fond of a jest, intolerant of all frolic, even at the expense of the enemy, while engaged in the serious business of war."—*M'Crie.*

ford. The Duke of Athol's gardener, Wilson, an active and intelligent man, volunteered for the service; and having promised to destroy the Sheriff's dispatch if in danger of being taken, he was allowed his choice of the officers' horses. At one o'clock in the morning, the platform-guard received orders to be on the alert, and to sweep the esplanade with a volley if any enemy appeared; at each window a soldier was placed with his firelock primed; the great door was then quietly unbolted and Wilson issued out, apparently unperceived, and rode off over the bridge on the grounds and along the avenue. As he reached the public road, he was fired at by pickets of the enemy; this was briskly returned from the castle, after which nothing more could be heard or seen. It was fully believed that he had got clear off, when, next morning, to the mortification of the garrison, they plainly saw a Highlander near the village riding the identical horse which had carried their messenger the night before.

The prospect was a dreary one, especially as it was now announced that all the provisions were really done; but the indomitable Sheriff, in reply to this report, simply gave an order that a horse should be killed, and to pick out the fattest of the stud. The soldiers, without a murmur, did as they were bid, and having had their untempting rations duly allotted, they proceeded to cook them, as they best might, to the music of Lord George Murray's popguns.

"By the 1st of March," says General Melville, "the rebels had thrown two hundred and seven cannon bullets, of which one hundred and eighty-five were red-hot, which became a very serious annoyance after they had taken to pointing at the roof; but such was the alertness of the garrison, that their carpenters were always ready to cut out the bullets wherever they struck, and quench them in water."[1]

[1] Scot's *Magazine*, 1755. "Beyond all military calculations, Sir Andrew Agnew, with miserably scanty means, had made good his position from the 17th of March to the end of the month. Longer than this, however, it was impossible to hold out, as the provisions of the garrison were exhausted, so that nothing seemed to be left them but a desperate sally or immediate surrender."—*Chambers.*

The 1st of April dawned on a rather gloomy state of matters, but as the day wore on it was observed that there was not a Highlander in sight; and presently "M'Glashan's maid, Molly," was seen tripping o'er the green, bringing the welcome intelligence that the rebels, in fear of being surrounded by the king's Black Horse, had suddenly decamped. Notwithstanding this news, the Sheriff desired that no one should leave the castle on any pretence; for his garrison had their last charges in their guns, and it was very possible that the Highlanders were playing them a trick. His officers were more inclined to grumble at this judicious caution than at any of their previous discomforts; the next morning, however, the minds of all were happily set at ease by the arrival of an officer, sent forward by Lord Crawford, to announce his arrival within an hour.

In a few minutes afterwards the drums sounded cheerily through the long passages beating the turn out; the soldiers' toilets were speedily completed; and as the Sheriff, mounted on his charger, paraded his men in high order in front of the castle, Lord Crawford's trumpets were heard heralding his approach. The earl drew up his detachment facing the garrison; salutes were regularly exchanged; upon which the Sheriff, in his peculiar style, thus addressed the general:—

"My Lord, I am very glad to *see* you; but, by all that's good, *you have been very dilatory*, and we can give you nothing to eat!"

To which his lordship good-humouredly answered:—

"Sir Andrew Agnew, I can assure you I made all the haste I possibly could. But now, I hope that you and your officers will do me the honour to partake with me of such fare as I can give you."[1]

Lord Crawford having heard of the distressed state of the garrison, had very thoughtfully made preparations to supply their immediate wants.

Provisions for the men were instantly issued, and as the

[1] *Original and genuine narrative.*

"His lordship did accordingly entertain afterwards, in the summer-house of the garden, Sir Andrew and his officers with a plentiful dinner and very good wines."—*Chambers.*

officers superintended their distribution, Lord Crawford's servants were busily engaged turning the summer-house in the garden into a dining-room, and hither the earl conducted the Sheriff and his officers, where a sight presented itself to which they had been long unaccustomed—a table covered with substantial dishes, well flanked by bottles of good wine. "As if by magic, the half-starved defenders of Blair Castle seemed to be translated from a situation of watching, want, and wretchedness, into the regions of safety, hilarity, and good cheer."[1]

Knives and forks now did good service, and the corks flew right merrily. Their appetites at length appeased, there was time to think about their cattle, and some of the officers bethought them of Captain Wentworth's horse in Cumming's Tower, which had been abandoned to starvation on the commencement of the siege. "These gentlemen again," says General Melville, "hastening to see the poor dead horse of Captain Wentworth, it being the seventeenth day of its confinement, they had no sooner opened the door and entered, than they were precipitately driven out laughing, to avoid the animal, who was wildly staggering about. That fine stout animal having received the most proper care and best treatment by order of his master, soon became in excellent condition, and, as it is believed, was sent to England by Captain Wentworth as a present to one of his sisters."[2]

The Sheriff, meanwhile, learned from Lord Crawford that the Duke's gardener, on leaving the castle in the dark, was thrown from his horse, which was frightened by the firing, and left lying stunned upon the ground. To this severe shock he owed his safety, for his horse galloping off alone, the rebels followed the sound of its hoofs, and were soon led far away. Wilson, knowing every spot in the country, then crept on to a hiding-place, from whence he emerged next evening, and then proceeding on his way reached Dunkeld the following morning, where

[1] Chambers.

[2] *Original and genuine narrative.*

"Peregrine Wentworth of Toulston Lodge, Esq., near Tadcaster in Yorkshire, a very respectable gentleman, still living—1808."—*Ib.*

he delivered his letter. It was not Lord Crawford's fault that relief had been so long delayed. Long before the arrival of the messenger he had sent forward two battalions of Hessians and a regiment of German hussars towards Blair, but the division declined to enter the pass of Killiecrankie; and neither his threats nor blandishments could induce them to proceed further.[1] On the arrival of the Sheriff's dispatch, Lord Crawford determined, at all hazards, to advance with only a small party of St. George's Dragoons which he had at hand; and having moved forward accordingly, the Hessians, at last ashamed of their conduct, followed in his wake. The rebels having early intelligence of this advance, decamped as has been stated.[1]

The Duke of Cumberland was highly delighted at the report sent him by Lord Crawford of the conduct of his old friend the Sheriff; feeling that his successful resistance against so greatly superior a force would be an encouragement to the army, who were now preparing for the final struggle. He not only thanked him and his garrison in general orders, but repeated his sentiments in a private letter under his own hand, as follows:—

"Aberdeen, the 7th April 1746.

"Sir Andrew Agnew,—I return you my hearty thanks for your defence of the Castle of Blair; and I desire you would also acquaint the officers and soldiers, who have done their duty, that I am very much obliged to them for the same—not doubting but that they have all done it.

"I have ordered Lord Crawford to give you thirty or forty dragoons if you should want them, which you will demand of him.

"I desire you will send out sufficient partys, tho' none further than six miles, to destroy and burn the habitations and effects of all those who may be found to have arms contrary to

[1] As a specimen of the inaccuracy of many historical authorities, we quote Smollett's account of the relief:—

"Lord George Murray invested the Castle of Blair, which was defended by Sir Andrew Agnew, *until a body of Hessians marched to its relief and obliged the rebels to retire.*"—*History of England.*

law, or who are out in the present rebellion. If they should attempt to oppose this, or you should find any partys of them armed, you will order your detachment to destroy them; and for this you will demand the dragoons if you need them.

"Lord Crawford has orders to keep you constantly supplied with a month's provisions; and the Hessians are ordered to your relief should the rebels venture to attack you again.—I am, your affectionate friend, (Signed) WILLIAM.

"Sir Andrew Agnew, Com^g^
at Blair."

The Sheriff was engaged in carrying out these instructions when the Duke, on the 16th of April, gained the decisive battle of Culloden; in which a wing of his own regiment bore a prominent part.[1]

He himself, according to his Royal Highness's orders, sent an official report of the siege of Blair, to which he received the following reply, by command, from the military secretary:—[2]

"Inverness, the 29th April 1746.

"Sir,—I had some time since the favour of your letter, which I immediately laid before his Royal Highness, and I with pleasure make use of this opportunity of letting you know *how much his Royal Highness is pleased with your behaviour* in the defence

[1] "Sir Andrew Agnew's regiment composed a part of the first line of the royal army."—*Mackenzie.*

"A body of the rebels threw away their muskets and engaged Barrel's men sword in hand; at this instant four companies of the brave (Campbell's) Royal North British Fusiliers had broke down the walls of a park-dike—at which place we lost two captains and five private men of the party—through which our dragoons passed."—*Ray.* The Fusiliers were called Campbells from General Campbell, afterwards fourth Duke of Argyle, for many years their colonel.

[2] The following is the account of the affair by Ray, the historian of the Rebellion, who was present at head-quarters during the whole time of which he treats:—

"Sir Andrew Agnew, who defended Blair Castle, although he was distressed for want of provisions, bravely held out until the 3d of April at five o'clock in the

of the place trusted to your care; and to obey his orders of *giving his Royal Highness' thanks to you and all the officers, as well as the garrison,* for the steady resolution shown by you and them upon this occasion, so much to yours and their honour, and the good of his Majesty's service.

"My Lord Crawford has had all the proper directions for what was necessary with regard to the castle, and whatever else was wanting for the service within the limits of your command. So I have now only to rejoice with you on the honour you have acquired in the defence of the place, and on the success of his Royal Highness in the total defeat of the rebels, and to assure you that I am, with the truest respect, Sir, your most obedient humble servant, EVERARD FAWKENER.

"The Hon^bl. Sir Andrew Agnew,
Knight Baronet," etc.

For some time after the siege the Sheriff continued to hold the castle of Blair, and was actively engaged in pacifying the extensive district of which he had the command. The Duke of Athol now returned, and in a much better humour; and although the relative prerogatives of owner and commandant may not have been very distinctly defined, yet his Grace appears to have kept up a perfectly amicable intercourse with the Sheriff for the future. The latter had a disagreeable duty to perform in every way—much severity was enjoined upon him, and it redounds greatly to his credit that, scrupulous as he was in carrying out his orders, no complaints have been recorded of any unnecessary cruelties being committed by the division which he commanded; whilst, unfortunately, many excesses in other places

morning, when the Earl of Crawford, with a party of dragoons, arrived there, and was followed by the Duke of Athole, upon whose approach the rebels raised the siege and retired to Ruthven. The Prince of Hesse likewise marched from Perth for the relief of Blair, and on the 4th his Royal Highness set out from Dunkeld for the castle, with all the cavalry and hussars, and was followed by a thousand foot. This relief was very seasonable, the garrison in the castle having been, as I was informed—which is highly to the honour of Sir Andrew Agnew—obliged to eat horse-flesh for several days."

sullied the reputation of the Duke of Cumberland.[1] Traditions of the Sheriff are still to be gathered in Perthshire and the north-east coast of Scotland.

His Royal Highness having crushed out the embers of insurrection in the Highlands, left Fort Augustus for England in July, visiting the Sheriff by the way. Several anecdotes are told of this rencontre.

The Sheriff's garrison were assembling for parade when, from an upper room, he caught sight of the duke's party riding up. The men had not yet fallen in, and his eye lighted on the regimental piper lounging with a nonchalant air in the court-yard quite unconscious of the approach of the royal visitor. Instantly the window was flung up, and Sir Andrew's head obtruded, as with a voice of thunder he roared out, "*Blaw! blaw, ye scoondrell! dinna ye see the king's ain bairn?*"

The duke having extracted many humorous details of the siege, and expressed himself highly pleased with all that had been done, took his departure, the commandant of course accompanying him to the gate, where the guard was duly drawn out to pay the usual honours; here the duke, offering his hand to the Sheriff, bade him farewell, promising to mention his valuable services to the king, and to recommend him for promotion; adding, that he hoped he would always consider him a friend. Great was the surprise of the spectators at Sir Andrew's curt reply to this gracious announcement, which was simply, "*Dinna forget!*" The duke good-humouredly joined in the laugh raised by this sally of the Sheriff, whose bearing was that rather of the free Galloway baron than of the courtier, and reiterated his promise to remember the gallant defender of Blair. But as he turned to go, the old soldier would not let him

[1] Sir Walter, notwithstanding his Jacobite leanings, draws the Duke's character very fairly—"This prince bore deservedly the character of a blunt, upright, sensible man; friendly and good-humoured in the ordinary intercourse of life. He was a brave soldier and acquainted with the duties of war; but he had learned war in the rough school of Germany, where the severest infliction upon the inhabitants was never withheld if it was supposed necessary either to obtain an advantage or to preserve one already gained."

off without a parting volley, repeating, with emphasis, "*Dinna forget, your Royal Highness! mind, dinna forget!*" [1]

[1] Many anecdotes of the Sheriff were communicated by the late Sir Michael Bruce and General Sir Thomas Macdougall Brisbane, both his great-grandsons, and who to the last affectionately cherished recollections of his career which had been preserved in both their families.

CHAPTER XXXV.

THE TWELFTH HEREDITARY SHERIFF.

The whusky pig we'll fill fu', the best things i' the house,
Faith, we shall set afore ye—we'll craw, man, and be crouse!
Ye drave the French and Spaniards, as rain drives aff the snaw,
Oh! but ye're welcome home again, to bonny Gallowa'.—OLD SONG.

HAPPILY the "king's ain bairn" did not forget, and within a few days of his arrival in London, it was formally intimated to the Sheriff, in the king's name, that he should be promoted to the full colonelcy of the first corps which fell vacant.

Gathering together the various detachments of the Scots Fusiliers, the Sheriff for the last time marched at the head of his fine corps, and established his head-quarters at Glasgow, almost immediately after which he was gazetted to the colonelcy of the 10th regiment of marines. This appointment was not exactly a sinecure, as his lieutenant-colonel appears not only to have forwarded to him monthly states, but to have applied to him for instructions in the minutest particulars.[1] Constant personal attendance was not however requisite, and he was allowed to retain the command whilst residing at Lochnaw.

Satisfactory as this arrangement was, yet the Sheriff could not, without some feelings of regret, have severed a connection which had continued, in good times and in bad, during a period of

[1] A few extracts from a deep pile of letters prove the position to have been very different from that of one of the "clothing colonels" of the present day.

Thus one of the field-officers writes to him from Southampton—

"The two detachments that were on board the 'Blenheim' and 'Chester' Hospital Ships are discharged from them and come to quarters; as most of them are unfit for the duty in other ships, they have increased the number of invalids in quarters. I should be glad to know if you would have them discharged after next muster. I do everything in my power that I think may be agreeable to you and for the good of the service."

Again—"I have three of your men confined in the gaol here for debt, I beg you will let me know your orders in regard to them; in my opinion it can be of

eight-and-twenty years. The private soldiers felt unmixed sorrow in losing a chief under whose training they had become one of the crack regiments of the service; by whom they had been often led to victory, and whose bluntness encouraged rather than repelled a kindly familiarity.

His brother officers, who delighted to tell of his eccentricities, used to repeat a story—which passed as a good joke at the mess-table, though, except as such, it is improbable the saying ascribed to him was ever uttered—to this effect:—

He was settling his private affairs before leaving for Galloway, when, accompanied by some other officers, he called on business at the private house of a merchant. The Sheriff, it must be premised, thought that the army was the only profession fit for a gentleman. Having to wait a few minutes in the merchant's drawing-room, he quietly remarked, "These are very nice chairs—I'll buy them to take with me." "Oh, surely, sir," remonstrated his companions, "you could hardly ask a gentleman to sell you the furniture out of his own house." "Tut," cried the Sheriff, "a scoundrel of a merchant refuse to sell anything!"

Whether he was persuaded or not to make no proposal for the chairs, he now returned home to enjoy country life and ease, to which he long had been a stranger. But so strong a hold did the habits of the camp still retain upon him, that even in going and returning to and from his parish church—a two-mile walk—it is said he always obliged his large following of daughters to fall into their places, and marched them off in double file, by word of

no bad consequence at present to discharge them, or stop their pay, which may prevent others from that practice."

Again—"We have a great many men at quarters, and I expect the 'Hampshire's' detachment very soon, as that ship is gone to Chatham. I have orders to keep here only a sufficient number to guard the French prisoners, and to march out the rest on account of the assizes."

The battalion consisted of 36 officers and 936 non-commissioned officers and privates. The marine-service appears to have been more in favour then than it is at present, as Sir James Bruce was a lieutenant-colonel; the Earl of Glencairn and Sir Charles Leighton, majors; Sir Robert Abercrombie, Sir Patrick Murray, and Sir John Arnot, captains; and Lord Saltoun, a lieutenant in this branch of the service in 1746.

command, no halting or standing at ease being tolerated except by special permission!

A local reminiscence of the Sheriff is, that he "aye walked wi' a meikle cane-staff," and that he used this "gay and freely, when anybody fashed him;" apropos of which—

A lame beggar came one day into the court-yard at Lochnaw, and asked for charity. The cook gave him a large piece of meat and an oat cake, but the man insisted on having some beer as well. The beggar got saucy, and the cook ordered him off, threatening to send word to his master unless he went about his business. The Sheriff hearing the noise called to the cook to know what was the matter, who instantly answered—

"Yer honour! a rascal o' a lame beggar is gie'in his impudence; I gie'd him a bannock, and I gie'd him a whang o' flesh, an he'll no gang awa, but maun hae a bicker o' yill."

"*I'll yill-bicker the loon,*" roared Sir Andrew, appearing in a twinkling at the front door, cane in hand. The cripple, as related, "gat yae blink o' the laird," stick and staff went both into one hand, and off he set as hard as legs could carry him, the Sheriff at his heels, who was soon completely distanced by the beggar, "for he was a soople rascal." As the knight returned from the chase, his lady espying him from the window, asked what in the world he was about. He waved his bamboo triumphantly in reply, exclaiming, "O Nelly, my good cane has cured a cripple!"

To the problem, thus said to have been solved by the Sheriff's staff, there is a corollary.

At this time it was a usual custom in Galloway for cripples to be carried in barrows from house to house; arrived at a farm, they shared the family meal, if it happened to be going; or else got a handful of meal or some such contribution to their bags, and some of the household then helped them on another stage.

The Sheriff's cook, a great oracle in the country-side, had widely circulated the tale of the miraculous cure effected by the sight of his master's cane; and not long after, one of these privileged cripples was set down at a farm on the Lochnaw estate;

and having been duly refreshed was wheeled on as usual by two of the farmer's sons. One of these was a great wag; and having reached a solitary spot, he suddenly called out to his brother, with a wink, "Pat, let's try the Sheriff's cure for cripples to-day."

So saying, he proceeded to cut a good stiff black-thorn stick. The beggar pleading hard the while with the younger brother for mercy on the score of his infirmity; as the elder continued "Pat! no one in sight?" "Never a soul," answered Pat.

"Then, ye hallan-shaker!" said the other, looking terribly in earnest, "you've given me a warm skin to-day; roar as you please, but see, you lazy villain, if I don't give you such a skinful of sore bones as you'll remember all your life-time." Suiting the action to the word, he rushed at the beggar; on which the impostor sprang out of the cart, leaving bags and crutches behind him, and set off at best pace, the two lads following; he managed, however, to give them both leg-bail; indeed, they cared little to catch him, already satisfied at the result of their experiment, and they never set eyes on the cripple again, nor did any one else in the whole district.

As the youths trundled in their empty barrow to the steading-gate—"Oh," cried the operator, "but his honour the Sheriff well deserves a baillie day, he's fund out a cure will soon rid us of all these cripples!"

A whimsical tradition is current as to the last execution which took place under the jurisdiction of the old sheriffs. Two labouring men in the parish of Inch, M'Kelvie and M'Credie by name, happened to fall out, and the former inflicted such severe injuries on the latter that he died; being, our informant stated, "a very spiteful man, and taking no care of his wounds, expressly to get his opponent into trouble." Upon this Neilson of Craigcaffie, as a justice, had M'Kelvie arrested, and (rather harshly, as was thought) committed him for murder. Upon this charge he was brought before the Sheriff as having been taken red-hand, and it was undeniable that his blows had occasioned death; but the Sheriff was not a hanging judge, and, as there were extenuating circumstances, he was anxious to spare the pri-

soner's life. The Laird of Craigcaffie, and the dead man's friends, however, pressed for a capital conviction, and neither custom nor law in such a case left any option to the Sheriff. He, therefore, sentenced him to be hanged by the neck from a gibbet at the usual place of execution at Stranraer, and this done, his body was to be given up to his friends, and not, as in more aggravated cases, to be buried at the gallows' foot.

There was present in Court an old soldier in the Sheriff's service (perhaps John the Lammermoor-man), who understood his master's wishes by intuition, and seldom failed in carrying them out. The soldier visited the convict in his cell, and gave him hopes that, provided he implicitly followed his directions, he might save his life. The preparations were not agreeable. A coating of clay was plastered over the prisoner's throat, and a tobacco-pipe forced down his gullet; and thus manipulated, he was let out to the Gallowshill. A trifling bribe had secured the complicity of the hangman; two or three friendly soldiers stood near the gibbet; the halter was adjusted, and the man hanged according to his doom. After he had dangled some thirty minutes his body was then cut down and handed over to his relatives, and they, with the assistance of the Sheriff's man, succeeded in restoring animation.

The affair created no little stir; it was reported to the Sheriff, but he turned a deaf ear to the complaints against his officers, and positively declined to hang the man again. It is farther asserted that the higher Courts expressed great displeasure at his lenity; but the Sheriff cared for none of these things, though it is asserted that Galloway lost the privilege of pit and gallows in consequence of his remissness in this affair.[1]

On the 7th of May 1747 the celebrated Earl of Stair died in his seventy-fourth year, and by no one more sincerely lamented than the Sheriff. This pleasing testimony has been borne to the memory of this venerable peer:—

[1] It is hardly necessary to say that this story is obviously incorrect; but still, where tradition is so strong, we are inclined to believe *that*, though many of the details are inaccurate, *there is something in it.*

"Whilst encouraging husbandry, and doing good to mankind, he was not unmindful of religion. He regularly attended church. He was a Presbyterian in his judgment; loving the simplicity of the gospel stripped of every ceremony of human invention."[1]

Within a few weeks of Lord Stair's death, a general election was announced. His nephew and successor James, the third earl, at once hastened to identify himself with the Whig party in Wigtownshire. Toryism had become predominant; but it appears, from a letter of the third Earl of Stair to the Sheriff, that there was some idea of attempting to secure the return of a liberal candidate. "Nothing," he writes to the Sheriff, "is so natural as that you should have the concerting of the measures to be taken by us at the ensuing general election . . . Be assured that whoever is pitched upon by you and my other friends, I shall do my utmost to make their choice effectual. Give me leave to add, that without there should appear some probability of success, I should think it was better to make no struggle. . . . "At all events, I flatter myself I shall have your friendship as long as by my attention to serve you I shall endeavour to deserve it."

The Sheriff did not deem it prudent to interfere, and Colonel James Stewart was again returned without opposition.

Besides the regality jurisdictions held by the Sheriff, there still existed in Wigtownshire the heritable bailliary of Whithorn, held by Lord Galloway, as well as that of Glenluce, exercised by Lord Stair. To each of these baronies there was a baron-officer, whose duty, amongst others, it was to warn all who owed suit to the Courts, of the days appointed for their attendance.

Lord Stair's baron-officer was a noted character, living near Glenluce, at a spot still known as the officer's croft. This worthy and his wife used frequently to quarrel. After one of these domestic brawls the wife ran out of the house, declaring she would drown herself; and made for the water of Luce. Here she

[1] Memoirs of John, Earl of Stair. London, 1748.

leapt at once into a deep pool, yet instinctively grasped a willow which grew upon the bank. Her husband had followed close behind unperceived by her; and, as she struggled, he quietly cut away the branch by which she held, exclaiming, as his helpmate floated down the stream—"I aye let gang wi' thee, Mary, and I'll let gang wi' thee yet!!" Mary, not appreciating this delicate attention, screamed loud and angrily for assistance, upon which the good baron-officer gravely threw her the end of his plaid and drew her out, nothing the worse of her ducking. The two then walked home silently together, quarrelled more rarely, and she never threatened suicide again.

The same official once required a horse for the performance of his duties, and his adventures in search of one have been preserved, so they tell us, nearly in his own words:—

"Being in need o' a bit horse beast, I dannert[1] doun to Kelton Hill fair, and soon fell in with a decent-looking countryman, who had just the sort of thing I wanted. I asked the man into a tent; we called for a bottle o' yill, and I hand him a tumblerfull; but he threw aff his bonnet; 'Forbid it,' says he, 'we should taste the mercies till I ask a blessing.' He made a grace as lang as ony prayer, and I thought to myself, 'Well, if there be an honest body on earth, this is the man.' I bought the beast on the man tellin' me it was a' richt, and brought him hame, but soon found out that the chiel, with a' his lang grace, had selt me a glandered horse! And what could I do? Well, the disease just came and went, and just afore the next Kelton Hill fair happened to be the time when the running was dried up. I led the beast cannily down to the fair; I met a customer; said a *lang lang* grace o'er the yill; selt the beast, got the money in o' my pouch, and hame as fast as my feet could carry me. For the next seven years there was naebody saw me again at Kelton Hill fair."

In the year 1747, John Vaus of Barnbarroch married Margaret, daughter and heiress of Robert Agnew of Sheuchan, by a daughter of Patrick M'Dowall of Freuch, and thus all the

[1] Danner (Gallovidian), to wander carelessly.—*M'Taggart.*

junior branches of the house of Lochnaw ceased to be directly represented, with the single exception of Dalreagle, and that too soon after disappeared. The name, however, was assumed by the Vanses of Barnbarroch, in accordance with the terms of entail.

Although the Sheriffs generally had had full houses themselves, and had maintained a direct descent from father to son through so many generations, the offshoots from the parent stem were singularly unprolific. The earlier Sheriffs bestowed their lands lavishly on their younger children, and from these sprang families which formed, in the seventeenth century, a large proportion of the baronage of Wigtownshire. There were Agnews of Croach or Lochryan, of Galdenoch, of Barmeill, of Sheuchan, of Castlewigg, of Whitehill, of Dalreagle, and of Myrtoun,[1] all of whom have been long extinct, and their properties have been carried by heiresses to other families.[2] This fully accounts for the political influence of the last hereditary Sheriff being small in comparison to that of his ancestors. And besides this, his landed estates were far less than theirs. Old documents show that the Agnews of Lochnaw were formerly in possession of the lands of Culhorn, of the Boreland of Soulseat, of Glenhapple, and of Innermessan; thence, by the "stepping-stones of Glentirro," still on their own property, they passed to Craigberrinoch, the Dougaries, and up to the "Eyes of Kylfeather" in New Luce; they owned Dunragit in Old Luce; Crailloch, with its little loch, in Mochrum; Glenturk, Carslae, Carsgoun, in the parish of

[1] Myrtoun, in Penningham parish, an old seat of the M'Kies, called for distinction Myrtoun-M'Kie, and, for a short time, Myrtoun-Agnew.

[2] "The Agnews, who flourished for a while in Wigtownshire .... acquired at different times considerable additions to their estates .... and these were still more largely augmented during the seventeenth century.

"From the chief family of Agnew of Lochnaw there sprung various families, who constituted much of the baronage of Wigtownshire.

"From the Acts of Parliament and the Inquests there appeared, in the seventeenth century, the following families:—Agnew of Shewchan, Agnew of Galdenoch, Agnew of Croach, Agnew of Barnewell, Agnew of Wig, Agnew of Whitehills."—Chalmers' *Caledonia*.

Wigtown; Port-Yerrock, on the shores of the Solway; and Ayne and Cardryne[1] near the Mull of Galloway, where there is a possession still called Killumpha-Agnew, which, as well as Grennan, was held by the family of old; these, besides various smaller properties, were all in addition to the barony of Lochnaw, as constituted by Act of Parliament in 1699.

Of all these lands were the family now shorn, as well as of large estates in Ulster. It is also a remarkable fact, that although the Sheriffs all matched respectably, yet, in so long a succession, not one of their ladies was an heiress.

Among the Sheriff's papers is a diploma, bearing as follows:—

"Compeared Sir Andrew Agnew, and humbly desired to be admitted a member of the *Old Revolution Club*, and having declared the grateful sense he has of the deliverance of the kingdom from popery and slavery, by King William and Queen Mary of glorious and immortal memory, and of the further security of our religion by the settlement of the crown upon the illustrious house of Hanover, etc. etc.: We do admit the said Sir Andrew Agnew a member of the said club; in testimony whereof, these presents are signed by our clerk, and our seal is appended thereto;" on which seal, attached by a blue and buff ribbon, sundry masonic-looking emblems are engraved, with the mottoes —"Tandem bona causa triumphat," and "Mente Manuque."

Soon after this, on the death of the Duke of Somerset, the Sheriff was appointed governor of Tinmouth Castle. This place, which was a sinecure or nearly so, had a salary attached of £300 a year.

The commission bears—"George II., etc., to our trusty and well-beloved Sir Andrew Agnew, Baronet, greeting: We, reposing especial confidence in your loyalty, courage, and fidelity, do hereby appoint you to be governor of our castle of Tinmouth, in the county of Northumberland, and of the forts and fortifica-

[1] Of Ayne and Cardryne we have got no precise information; but in the charters and seisings in which they are mentioned, are the expressions, "With towers, fortalice, manor-places, houses, biggings, yards, orchards," etc., showing the existence of a baronial residence there.

tions thereto belonging; to have, hold, and exercise the said place, in as ample manner as Algernon Seymour, Duke of Somerset, or any other hath formerly enjoyed the same."

The Sheriff became a major-general in 1756, and was gazetted a lieutenant-general in 1759. After attaining the rank of general, the Sheriff rarely left Lochnaw, excepting on an occasional visit to his married daughters. During his time farms were little subdivided by fences; lines of dykes at long intervals here and there crossed the public roads (which were all unfenced), and at these spots gates were hung on massive round rubble-built pillars. When the crops were on the ground, the cattle were constantly herded, and at night were driven into small round enclosures, called in Galloway "Rees," at the entrances to which the men employed to "weir the corn" slept in the open air.

One day the Sheriff being attracted in his walk to a herd of cows grazing not far from his house, a mad bull came suddenly upon him; and the general, not having been accustomed to run away, made such a bad double of it that he had a very narrow escape of ending his career prematurely, and only just clambered over his garden-wall in time to avoid the huge battering-ram which was launched with a will at his hind-quarters. He was much nettled, and cursing the dangerous brute from the safe side of the fence, "Ye had me at a disadvantage, ye Tory!" he said, "but I'll fight ye fairly yet." Entering the house, he soon reappeared gun in hand; the whole household having meanwhile assembled in the garden (which then lay beyond the counterscarp of the old moat and ditch), and as the bull made a prodigious bellowing, they begged him not to expose himself. But he made straight for the garden-gate, "No, I'll fight the loon fairly," said the Sheriff, disdaining to take a pot-shot from behind the wall; "the mair noise the less fear; but stay ye there if ye please." The angry beast tore up the ground and roared louder than ever; the Sheriff advancing alone, though, true enough, as he pressed forward the bull retired, tearing up the ground with its feet, but showing no inclination for the duel. At last, he being far beyond the reach of all assistance, the vicious animal turned upon its

pursuer with an ugly rush. The old soldier's gun was coolly lowered, the bullet did its duty, whereupon he drily remarked to the spectators, who now emerged from cover to assist—"The loon that brags o'er mickle is never a good fighter!" We must in candour mention, that traditionally it is always related that after his first check "the general went into his castle and put on his coat of mail," but this embellishment to the story is hardly consistent with the costume of the middle of the eighteenth century.

The Sheriff's sayings and doings are the subject of innumerable traditions. "To give one of *Sir Andrew Agnew's broad hints*," was a proverbial expression a hundred years ago, the force of which is exemplified by a story from a book of "facetiæ," published toward the close of last century.

"Sir Andrew Agnew of Lochnaw, a well-known Scotch baronet, was famous heretofore for giving what he called broad hints. Having been long pestered by an impertinent intruder, it was one day remarked to the baronet that he was fortunate in having freed himself of his company, and he was asked how he had contrived it. "Ah," he replied, "I was obliged to give the loon *a broad hint*." "A broad hint!" said the friend; "why, I thought he was one of those who would never take any hint." "By my faith," rejoined Sir Andrew, "but he was forced to take it; for as the chiel wouldna gang out at the door, I just threw him out at the window."

The Sheriff was temperate for his times, and often warned his young officers against the retribution which sooner or later must attend excess. "The Almighty," he would say, "has forgotten the man who can get drunk over night and have no headache in the morning."

He had been bred in the true old British prejudice against the French, and although he had served often upon French soil, he hated the language and disdained to learn a word of it. Once when on a visit to his daughter, Lady Bruce, being at church, the minister in his discourse objected to the authorised translation of the text upon which he was preaching, and gave an

amended version, in enforcing the superiority of which he proceeded to say, "The words in the original Hebrew are these, *Comment vous portez vous!*" The Sheriff's wrath was raised to boiling pitch; not only had an insult been offered to his understanding, but his peculiar antipathy had been aroused. He started from his seat, and was with difficulty persuaded by his daughter to sit still. No sooner, however, was the service over than his righteous indignation broke out before all the congregation—"The scoundrel!" he said, "yet I could have forgiven him had he not used the only French words I ever knew."[1]

The Sheriff's fourth brother James married Margaret, daughter of Thomas Wilkinson of Kirkbrigg (and Mary Ransden), an English lady of some fortune, and settled at Bishops-Auckland, county Durham. Their eldest son, who became a general, we have mentioned at the siege of Louisburg; and of their daughters, Catherine married Sir Richard Vanden Bempdè Johnstone of Hackness Hall, a member of Parliament; and Mary Agnew married the celebrated Robert M'Queen, a Lord of Session and styled Lord Braxfield, of whom a good story has been preserved, though perhaps not flattering to the temper of the Sheriff's niece. Braxfield, called by Lord Cockburn "the Giant of the Bench," was strong-built and dark, with bushy eyebrows, powerful eyes; and "his language, like his thoughts, short, strong, and conclusive." His butler came to him one day to give up his place, alleging as a reason, that his lady was always scolding him. "Lord!" exclaimed Braxfield, "man! ye've little to complain of; ye may be thankful ye're no married upon her."[2]

The Sheriff's eldest son married Elizabeth Dunbar, described in a family memoir as "an English heiress," but no other particulars have been handed down. To the general's great grief, this young man only survived his marriage for one year, leaving an only daughter, Eleanor, who also died young. His second and third sons died early; and William, a military officer, became his

[1] The probable explanation of this story is, that none of the party being Hebrew scholars, they were mistaken in the words pronounced by the minister.

[2] Cockburn's *Memorials*.

heir; but he also predeceased his father, dying whilst in garrison in Gibraltar; and the Sheriff was eventually succeeded by his fifth son Stair, who, notwithstanding the old gentleman's prejudices, had become "a scoundrel of a merchant," as which he had visited Virginia. Sir Stair married Mary, daughter of Thomas Baillie of Polkemet, from which place her brother took his title as a Lord of Session.

The Sheriff never acquired a taste for agricultural improvement, but continued to let things jog on in the old way, and to be satisfied with baillie-work. As he grew old he became more and more systematic in his habits, and every day rode to a gravelly bank called the Scar, lying on his own property about five miles from Lochnaw. This curious spot of land, or natural pier, runs straight into Lochryan for a considerable distance; an extent of half a mile being never covered by the highest tides. On returning from one of these rides the old gentleman had a severe fall from his horse, which resulted in his death.

Although, owing to a contrariety of circumstances retarding his promotion in early life, the Sheriff never attained to high military command, yet few men of his position were better known or thought of in their generation. As an officer he was resolute and efficient, and as a magistrate and a neighbour he was shrewd, genial, and true-hearted.

Three distinguished authors, two of whom had a decided leaning to Jacobitism, and an especial hatred to the political party of which the Sheriff was an adherent, have paid handsome tributes to his memory.

Sir Walter Scott says—"Sir Andrew Agnew, famous in Scottish tradition, was a soldier of the old military school, stiff and formal in manners, brave to the last degree, and somewhat of a humourist."[1] And in a letter to his great-grandson[2] he writes, "My best thanks attend Sir Andrew Agnew for the very interesting collection of letters and orders respecting the siege of Blair, when it was so well defended by Sir Andrew's ancestor."

[1] Scott's *History of Scotland.*

[2] The late Sir Andrew Agnew of Lochnaw, Bart., M. P.

Chambers describes him as a "skilful and successful officer, distinguished by deeds of personal daring, as well as eccentric peculiarities of manner, that long made him a favourite in the fireside legends of the Scottish peasantry."[1] Having also stated, in his *History of the Rebellion*, "Sir Andrew Agnew was accounted one of the bravest men that ever belonged to the British army.'

"It deserves to be added," says Dr. M'Crie, "that the hero of Blair, with all his eccentricities, was a good man, and that, in consequence of his strict attention to religious duties, in which he met with little sympathy, he exposed himself to trials of moral courage, hardly less severe than those which had tested his military prowess."[2]

[1] Lives of Eminent Scotsmen. [2] Memoir of Sir A. Agnew.

CHAPTER XXXVI.

ABOLITION OF HERITABLE JURISDICTIONS.

> Though the Brownie of Bladenoch lang be gane,
> The mark o' his feet's left on mony a stane.
>
> GALLOWAY SONG.

MEANWHILE the British Government, alarmed by the dimensions of the late rebellion, were naturally anxious to increase the influence of the Crown in Scotland; and, as a first step in this direction, they bethought them how they might diminish the prestige of the barons and chieftains, whose rights greatly interfered with the centralization of authority.

Accordingly, as early as the 5th of August 1746, on the motion of Lord Chancellor Hardwicke, the following resolutions were brought in and assented to by the House of Lords:—

"1*st*, That the Lords of Session do prepare the draught of a bill for remedying the inconveniences arising from the several kinds of heretable jurisdictions in Scotland.

"2*d*, That the Lords of Session do inquire and consider what heretable sheriffships and regalities are subsisting within Scotland, and what persons are now in possession thereof, and which of such regalities were granted before the Act of the eleventh Parliament of King James II. of Scotland, and which since; and do certify the same to this house at the beginning of the next session of Parliament.

"3*d*, That the Lord Chancellor do transmit the said orders to the Lord President of the Session in Scotland, to be by him communicated to the Lords of Session there."[1]

In introducing the question, the Lord Chancellor explained very clearly and fully "the Scots superiorities, which are of the

[1] Parliamentary History, vol. xiii.

same, *or a higher nature* than our old (English) tenures, and the regalities and jurisdictions. The more important article was the extinction of the regalities and heretable jurisdictions, by means of which a great part of Scotland was absolutely exempt from the authority of the Crown."[1]

In accordance with these resolutions, a bill was brought into the House of Peers in February 1747, "for taking away and abolishing heretable jurisdictions, and for making more effectual provision for the administration of justice throughout that part of the United Kingdom by the King's Court and Judges there, and for rendering the Union more complete."

This measure was favourably received; at the same time, it was fully admitted, in the debate that ensued, that it was but bare justice to give a reasonable equivalent to the holders of such jurisdictions, whose tenures by royal charters were as valid and positive as were those of any rank or property held by patent in the realm. An amendment to this effect rendered the measure a money-bill, and as such it was necessarily dropped in the Upper House, and in its amended form was re-introduced in the House of Commons.

On the 20th February 1747, under the title of "An Act for abolishing Heretable Jurisdictions in Scotland, and for making satisfaction to the Proprietors thereof," this bill was formally ordered to be brought in, and on the 7th of April it was presented by the attorney-general and read. On the motion for the second reading a long debate ensued, in the course of which the Government were reminded *that these hereditary rights were expressly reserved by the Union.*[2] This was an argument difficult to meet, as it was contended that so flagrant a breach of faith would unsettle all men's minds, and, causing a spirit of distrust in the most solemn promises made by Government, would breed fresh disaffection, and do more harm than could be balanced by any expected convenience in the results. These

[1] Hardwicke Papers.

[2] *Article* 20. "That all heritable offices, superiorities, heritable jurisdictions, etc., be reserved for the owners thereof as rights of property."

were thrusts not easily parried; logic, however, being at fault, necessity and the welfare of the state were pleaded as considerations which must override all arguments founded on sentiment, or justice to individuals. The English members generally allowed themselves to be convinced by this appeal; and the Scotchmen, tenacious as they were of their time-honoured customs and their rights, were of course outnumbered; but they fought a hard battle, and on the division seventy-four opposed the motion, and only ninety-nine voted with the Government. Opposition was, however, useless, and a week afterwards, on the formal motion "that the bill be read a second time on this day," Government obtained so large a majority that the measure was considered safe.

Horace Walpole gives a lively account of the scene in a letter to his friend Seymour Conway.

"Arlington Street, 16th April 1747.

"We have had a great and fine day in the House on the second reading of the Bill for taking away Heritable Jurisdictions in Scotland. *Littleton*[1] made *the finest oration imaginable*; the Solicitor-General,[2] the new Advocate,[3] and Hume Campbell[4] (particularly the last), spoke excessively well for it; and Oswald against it.

"The majority was 233 against 102. Pitt was not there; the Duchess of Queensberry had ordered him to have the gout."

On the bill reaching the Upper House a debate took place on the motion "to commit the same," which being objected to, after the argument of the bargain made at the Union had been again urged with much pertinacity, the dissentient peers, finding resistance hopeless, recorded their protests against the measure, and allowed it finally to pass without a division.

The holders of all the dignities in question were then called upon to enter their demands, enumerating their jurisdictions, and suggesting the sums they considered as fair compensation.

[1] Afterwards Lord Lyttleton.
[2] Afterwards Earl of Mansfield.
[3] William Grant, Lord-Advocate.
[4] Brother to the Earl of Marchmont.

Their claims were accordingly made out, and a very curious list was the result, which was referred to the Judges of the Court of Session.

In April 1748 an abstract of the resolution of the Court of Session was officially published "concerning the values of the whole heritable jurisdictions of Scotland," by which it appeared that the total amount claimed was £602,127 : 16 : 8; and the total sum allowed by the judges was about a quarter of that demand, viz., £152,237 : 15 : 4.

The Court of Session investigated the matter with great diligence, and in a very fair spirit. Nothing could exceed the absurdity of some of the claims, and in their award it by no means followed that the sum allowed was at all in the ratio of the amount demanded.

Several sheriffships were found to be only held for life; whilst others were redeemable at fixed sums; and in only sixteen cases were the claims of the hereditary sheriffs held to be proved—viz., those of the shires of Argyle, Bute, Caithness, Clackmannan, Cromarty, Dumfries, Dumbarton, Elgin, Fife, Kinross, Kirkcudbright, Nairn, Orkney and Zetland, Peebles, Selkirk, and Wigtown.

In only four families had the sheriffships of their respective counties been continuous since 1567.[1] The earliest list of sheriffs we have discovered, which were

The Earls and Dukes of Argyle . .	Tarbert and Argyle;
The Earls of Rothes	Fife;
The Murrays of Philiphaugh . . .	Selkirk; and
The Agnews of Lochnaw	Wigtown.

Of these the Duke of Argyle's commission was dated 26th February 1473; the Earl of Rothes', 1st June 1529; Murray's we cannot ascertain; but the Sheriffs of Galloway's, as produced, was dated 1452, considerably anterior to either, and as we have seen, the Agnews had held the office by other evidents from a much earlier period.

[1] Or 1504, as the same list is quoted by Chalmers; we have taken the date when it was published.

In several instances—such as the Duke of Gordon in Aberdeen and Inverness, Lord Grey in Forfar, Lord Hume in Berwick, Lord Loudon in Ayr, Duke of Hamilton in Lanark—the representatives of the same families held the same sheriffships at both the dates mentioned, but their hereditary claims were not held to be proved by the Lords of Session.

We subjoin a table of the Sheriffs of Scotland at these two periods :—

SHERIFFS OF SCOTLAND.

1567.	COUNTIES.	1747.
EARL OF ARGYLE.	*Argyle* (Tarbert).	DUKE OF ARGYLE.
Campbell of Loudon.	Ayr.	Earl of Loudon.
Lord Home.	Berwick.	Earl of Hume.
	Bute.	Earl of Bute.
	Caithness.	George Sinclair of Ulbster. Earl of Caithness. (Disputed.)
Urquhart of Cromartie.	Cromarty.	Roderick M'Leod of Catboll.
	Clackmannan.	Earl of Dumfries.
Earl of Lennox.	Dumbarton.	Duke of Montrose.
Lord Sanquhar.	Dumfries.	Duke of Queensberry.
Dunbar of Cumnoch.	Elgin.	Earl of Moray.
EARL OF ROTHES.	*Fife.*	EARL OF ROTHES.
Lord Gray.	Forfar.	Lord Gray.
Earl of Huntlie.	Inverness and Aberdeen.	Duke of Gordon.
Lochleven (?)	Kinross.	Charles Bruce.
Stewart of Doun.	Kirkcudbright. (Steward.)	Countess of Hopetoun.
Hamilton of Kynneill.	Linlithgow.	Earl of Hopetoun.
Earl of Arran.	Lanark.	Duke of Hamilton.
Campbell of Lorn.	Nairn.	Campbell of Calder.
Earl of Orkney.	Orkney and Zetland.	Earl of Morton.
Lord Yester.	Peebles.	Earl of March.
Lord Ruthven.	Perth.	Duke of Athol.
Lord Semphill.	Renfrew.	Earl of Eglintoun.
Douglas of Cavers.	Roxburgh.	Douglas of Deanbrae.
MURRAY OF FALLAYHILL.	*Selkirk.*	MURRAY OF PHILIPHAUGH.
	Sutherland.	Earl of Sutherland.
AGNEW OF LOCHNAW.	*Wigtown.*	AGNEW OF LOCHNAW.

The claims of the gentlemen connected with Wigtownshire were as follows :—

The Earl of Cassilis claimed—

For the Bailliary of Carrick (Ayrshire)	£8000
Bailliary of Monkland and Melrose (do.)	1000
Regality of Crossraguel (do.)	1000
Keeping of the castle of Loch Doon (do.)	100
As Baillie of Regality of Glenluce (Galloway)	2000
Baillie of the Bishop of Galloway's lands on the Cree (do.)	1000
	£13,100

He was allowed £1800 for the baillary of Carrick ; his claim for £3000 for his Galloway jurisdictions was totally disallowed.

Sir Andrew Agnew of Lochnaw claimed for the

Sheriffship of Wigtown	£5000
Constabulary of Lochnaw	1000
Bailliary of Leswalt	1000
He entered no claim for the bailliaries of regality of Soulseat, Monybrig, and Drummastoun.	
Total	£7000

He was allowed £4000 for the sheriffship.

The Earl of Galloway claimed as

Baillie of Regality of Whithorn	£3000
Stewart of Garlies	2000
Baillie of Barray	1000
	£6000

His claims were reduced to £321 : 6s.

The Earl of Stair claimed as

Baillie of Regality of Glenluce	£2000
Baillie of the Inch	1000
Regality of Philipston	100
Regality of Brestmill	100
Total	£3200

He was allowed £450.

Hathorn of Castlewigg claimed as

Baillie of the Barony of Busby	£1000

His claim was rejected.

The total amount claimed for Wigtownshire was £20,200, of which £4771 : 6s. was allowed. The Sheriff claimed less proportionally than any of the other office-holders, and received nearly six times as much as all of them put together, evincing that his office was of considerable importance.

The greediest claimant in Scotland was the Duke of Hamilton, who demanded £38,000, but had perforce to be satisfied with £3000.

The Earl of Selkirk claimed as

Baillie of Regality of Crawford-John . .	£2000
Baillie of Crawford-Douglas	1500
Total . .	£3500

And was awarded—nothing!

Thus ended the days of heritable jurisdictions in Scotland. Responsible judicial offices were no longer to be handed down irresponsibly from father to son; and no rational person can now doubt that the change was a wise one; although this conviction only gradually grew upon the nation.

We have seen it loosely stated that the people were delighted at the change, but we cannot discover that the population of Galloway expressed any such satisfaction. It is certainly a mistake to suppose that the classes thought to be especially aggrieved—those who owed suit at the feudal courts (courts which had the reputation of being often partial and unfair)—rejoiced at the new order of things as if suddenly relieved from the grasp of rural tyrants.

The providential government of the human race, in its various onward stages of civilization, is by a system of compensations.

The hereditary sheriffs, the baillies, the lords of regality, notoriously favoured their friends at the expense of justice; were sometimes oppressive, and often broke the laws themselves.

But there is another side to the picture; in mediæval times, kings, and those at the fountain-head of authority, were inclined to be at least as oppressive and much more wantonly tyrannical than the resident owners of the soil. In such days as those of the Test and Conventicle Act, the mere Government officials would have hunted out and shot down the poor Covenanters like so many vermin. Not so the feudal magistrates. In almost every instance, they all (save such as Lagg, whose name became a byword) exerted their influence to shield the outlaws from the storm, and this quite apart from any approval of the principles of their persecuted retainers.

Such conduct was illegal. But there may be a time when justice is more honoured by the breach than the observance of a law. The very essence of feudality, in its healthiest form, was that the superior and vassal alike were bound to one another by ties of reciprocal good-will. In the hour of need the heritable magistrate was generally able, as well as willing, to assist his dependents in an effectual way, taking upon himself a responsibility which a stipendiary would have neither dared, nor probably have been inclined, to assume.

And so it happened that the wild Scots of Galloway—the west-country Whigs, as they were reproachfully called—grieved to see feudal privileges disappear, and the old baronial edifice tottering to its fall.

They "aye preferred gentleman's law," was the unsophisticated style in which they expressed a preference for seeing the magisterial bench presided over by those to whom they yielded an instinctive deference, rather than by more learned strangers. Entirely ignoring the fact that heritable functionaries derived emoluments from their offices, a Galloway proverb discredits paid legal services at the bench or bar in the disdainful phrase, "It's no for nought the gled whussels!"[1]

This feeling is well illustrated by a story told of an aged

[1] We mean no disrespect to the legal profession by quoting this proverbial hit at lawyer's bills. The idea will be found followed out more at length in M'Taggart's *Gallovidian Encyclopædia*.

retainer of the house of Garlies, who had seen four successive generations of the Stewarts in possession, and who (living at the beginning of the present century) could remember the days when the Earls of Galloway held courts as baillies of regality, in which they had the power of sentencing thieves, taken red-hand on their baronies, to death.

"Hech! Yerl John was nae yerl!" the old man would exclaim, as if his own status in society was lowered by the little arbitrary power his present noble master could wield in comparison with his ancestors. Then, as his memory glanced backward through the long vista of years, the old man would continue, "Yerl John was nae yerl! and Yerl Alexander was nae yerl ava! Yerl James was the man! He'd hang 'em up just o' his ain word! *Nane o' your la!*" The last sentence uttered with withering contempt—*law* being, in his mind, the antithesis of baronial dignity and the inherent privilege of a native aristocracy.

All naturally recur to the days of their youth; and to those who lived at this period of transition from the habits of the middle ages to those of modern times, the memory of a period of wilder excitement, notwithstanding sundry deeds of violence, threw a deep tinge of romance over their earlier recollections, to which they looked back with a sentimental fondness. How insufferably tame to actors in such stirring times, must have seemed the regular routine of a state of advanced civilization, notwithstanding its pleasing concomitants of temperance and refinement.

Thus old Armstrong of Sorbie, a noted border toper, who had assisted at many a bout in which a single glass had to go the round of all the company, far from appreciating the new-fangled luxury which in his later years apportioned two glasses at least to every guest, often, in lamenting the degeneracy of a modern generation, would bitterly exclaim, "Eh, sirs! it was a better world when there were more bottles and fewer glasses!"[1]

Our task is done; and we have traced the fortunes of the hereditary Sheriffs of Galloway through good report and evil report for a period of four hundred years. We have endeavoured to

[1] See Autobiography of T. Somerville, D.D.

represent Galloway society under many phases; and our sketches, desultory as they may seem, and inartistic, do not at least lack some relief of light and shade. Among the various contrasts presented in the changing scene, perhaps there is none more remarkable than that, whilst we leave one Sheriff slain in battle by the English on the field of Pinkey, we part just 200 years later with the last hereditary Sheriff as a general in the (British, or popularly speaking) English army.

In 1747 the link was severed which connected Galloway with mediæval times; her native Sheriffs could no longer thereafter hold their courts; indeed, the very name as well as dignity of King's Sheriff was obliterated from the roll. The Sheriffs, under the new statute, were simply termed Sheriffs-depute (and they might only each appoint one Sheriff-substitute, whom they could not remove at pleasure); and to make the change complete in every way, they *were always unconnected by birth* with the counties to which they were appointed, *and habitually resided out of them.* The Lords-Lieutenant have been since gazetted as "Sheriffs-principal," but the title is honorary only, its duties and prerogatives having disappeared.

The baron courts are now but as a memory of the past; the very term "Baron," as applied to proprietors holding of the crown, has fallen into disuse; but it was long after the passing of the Act of 1747 before any true Gallovidian, gentle or simple, could bring himself to prefer the new regime; or accept with a good grace a reform forced upon his countrymen by the tyranny of an English majority!

Even in this, the nineteenth century, there is an instance of a Galloway baron pleading old jurisdictions. Colonel Andrew M'Dowall of Logan was defendant in an action before the Court of Session. A vessel had been wrecked on his own shores, and amongst its cargo was some wine; the Colonel was summoned by the owners, and the Court required him to account for their property. His formal answer was this, "I sold the wreck at Drumore, and I drank the wine at Logan; my baron-baillie having decided that they were mine."

APPENDIX.

APPENDIX.

M'DOWALL OF GARTHLAND, LOGAN, AND FREUCH.

THIS name, spelt variously M'Dowall, M'Douall, and M'Dowyl, identical also with Macdougall, means simply *The Son of the Black Alan* (Mac Dhu Alan). This Black Alan, or Douall, a prince of Galloway B.C. 230, is said to have killed Nothatus, king of Scotland, and set up Reutherus in his place.

His descendants were for long Lords of Galloway, until the failure of the direct male line in the elder branch, A.D. 1234, when the lordship passed to three co-heiresses.

From younger branches of his line sprang Fergus and Dougal M'Dowyl, whose names appear on the Ragman Roll, and who are the ancestors of the three houses named above.

The Garthland descent alone has been accurately preserved—

M'DOWALL OF GARTHLAND.

1. Dougall M'Dowall of Garthland, who had a charter from Baliol, A.D. 1295.

2. Dougall M'Dowall, son of the above—1362.

3. Fergus M'Dowall, son of the above—1370; was Sheriff-depute of Galloway.

4. Thomas M'Dowall married a daughter of Wallace of Craigie; had a charter of Earl Douglas, 1413; a witness to charter of Andrew Agnew of Lochnaw, first hereditary Sheriff of Galloway, 1426; his daughter (or grand-daughter) married Andrew Agnew, second hereditary Sheriff; succeeded by his son

5. Uchtred M'Dowall, succeeded 1440; married daughter of Robert Vauss of Barnbarroch (sister of Dame Mariotta Agnew, wife of third Sheriff), and had

6. Thomas M'Dowall, *circa* 1470; married daughter of Fraser, ancestor of Lord Saltoun; his son

7. Uchtred M'Dowall, succeeded 1488; married Isabel, daughter

of Sir John Gordon of Lochinvar; killed, as was also his eldest son at Flodden, 1513.

8. Thomas M'Dowall, married Isabel, daughter of Sir Alexander Stewart of Garlies; killed at Flodden, 1513, leaving a son

9. Uchtred M'Dowall, succeeded his grandfather, 1513; married his cousin Marion, daughter of Sir Alexander Stewart of Garlies (sister of Dame Agnes Agnew of Lochnaw), and had

10. John M'Dowall, succeeded 1531; married Margaret, daughter and co-heiress of John Campbell of Corswall; killed at Pinkie, 1547, leaving a son,

11. Uchtred M'Dowall, retoured in 1548 before Patrick Agnew, Sheriff of Galloway, as heir to his father; married, 1st, Margaret, daughter of Sir Hugh Kennedy of Girvanmains; married, 2d, Margaret, daughter of Henry Lord Methven; his son,

12. Uchtred M'Dowall, succeeded 1593; married, 1569, Eupheme, daughter of Sir John Dunbar of Mochrum; his son,

13. John M'Dowall, succeeded 1600; married a lady of the house of Lochinvar; his son,

14. Sir John M'Dowall, succeeded 1611, and married Margaret Ker, daughter of Lord Jedburgh, and left,

15. Sir James M'Dowall, succeeded 1637; married Jean, daughter of Sir John Hamilton of Grange. (Colleague of Sir Patrick Agnew, as M.P. for Wigtownshire, 1643, and of Sir Andrew Agnew as M.P., 1644 to 1647.) His son,

16. William M'Dowall, succeeded 1661; married Grizzel, daughter of A. Beaton (was colleague of Sir Andrew Agnew, tenth Sheriff, in Parliament, 1689 to 1700); had ten children; his son,

17. Alexander M'Dowall, succeeded 1700; married Jean, daughter of Sir John Fergusson of Kilkerran, and had a son, heir,

18. William M'Dowall, laird of Garthland, 1747.

William M'Dowall's (No. 16) fifth son, William M'Dowall, a military officer, married Mary Tovie, a West India heiress. In 1727 he purchased Castle-Semple, and died 1748. His grandson William, in 1760, purchased Garthland from his cousin, a grandson also of William (No. 16), and on his cousin's death in 1775 became head of the house, which is now represented by

Major-General Day Hort M'Dowall.

M'DOUALL OF LOGAN.

The family of Logan indignantly deny the statements of Crawford

and Chalmers that they are cadets of the House of Garthland. For their arguments on this subject, see Nisbet's *Heraldry*, vol. ii., and Murray's *Literary History of Galloway*.

The oldest papers of the family were destroyed *circa* 1500 by the burning of their castle of Balzeiland.

The first authentic notice of the family is to be found in the Lochnaw charter-chest, where—

1. Patrick M'Douall of Logan appears as a witness to the service of Andrew Agnew of Lochnaw, as heir to his father, Andrew Agnew, in his estates and office of Sheriff of Galloway, 1455.

2. Patrick M'Douall, his son, married Catherine, daughter of Sir Alexander M'Culloch of Myrtoun, previous to 1494; and had a son

3. Charles M'Douall, killed at Flodden; leaving a son

4. Patrick, succeeded 1513; whose son

5. Charles, had, A.D. 1547, a dispensation to marry Alisone Maxwell, his cousin in the 3d and 4th degree—he left

6. Patrick, succeeded 1548; married, 1568, Helen, daughter of Uchtred M'Dowall of Garthland.

7. John M'Douall, his son, succeeded 1579, and married, first, Grizzel, daughter of Sir Patrick Vaus of Barnbarroch, and widow of J. Kennedy of Barwhannie; and second, Margaret, daughter of Crawford of Carse; his son,

8. Alexander M'Douall, succeeded 1618, married, 1621, Jane, daughter of Sir Patrick Agnew of Lochnaw; his son

9. Patrick M'Douall, succeeded 1661, married Isabel, daughter of Sir Robert Adair of Kilhilt.

10. Robert M'Douall, his son, succeeded 1699, having married, 1678, Sarah, daughter of Sir John Shaw of Greenock, by whom he had, with his successor—Andrew M'Douall, born 1685, the celebrated lawyer, a Lord of Session, styled Lord Bankton.

11. John M'Douall, married, 1710, Anna, daughter of Robert Johnstone of Keltoun, who had (with Isabel, married, 1743, Andrew Adair of Genoch),

12. John M'Douall, his successor, married, 1757, Helen, daughter of George Buchan of Kello.

M'DOWALL OF FREUCH.

This was also a powerful house. We have traced its successions, but have not been always able to discover the dates. The first on authentic record is

1. Gilbert M'Dowall, *circa* 1445, married Catherine M'Giligh; his son

2. Fergus M'Dowall, married Agnes, daughter of Sir Alexander M'Culloch of Myrtoun; he predeceased his father, leaving a son

3. Gilbert M'Dowall, succeeded his grandfather, married Isabel, daughter of Sir Robert Gordon of Lochinvar, killed at Flodden.

4. Fergus M'Dowall, succeeded 1513, married Lady Janet Kennedy, daughter of David, first Earl of Cassilis, killed at Pinkie.

5. James M'Dowall, succeeded 1547, married Florence, daughter of John M'Dowall of Garthland.

6. Mary M'Dowall, daughter and heiress of No. 5, married her kinsman John M'Dowall of Dowalton, and left a son.

7. John M'Dowall, married Mary, daughter of Sir Patrick Vaus of Barnbarroch.

8. Uchtred M'Dowall, son of No. 7, married Agnes, daughter of Sir Patrick Agnew of Lochnaw.

9. Patrick M'Dowall (his son), married Barbara, daughter of James Fullerton of that ilk; his son

10. Patrick M'Dowall, succeeded 1680, married Margaret, daughter of William Hattridge of Dromore, county Down, leaving a son

11. John M'Dowall, married Lady Betty Crichton (daughter of Colonel William Dalrymple and Penelope, Countess of Dumfries), who became in her own right Countess of Dumfries.

ADAIR OF KILHILT.

The Adairs are a Norman family. The Galloway Adairs were originally Fitzgeralds, of the House of Desmond, and take their name from the lands of Adare, in Ireland.

1. Robert Fitzgerald de Adare taking refuge in Galloway, *circa* 1380, obtained possession of the castle of Dunskey, and was thereafter known as Adare (spelt Adair); his son

2. Neil or Nigel Adair of Dunskey (styled of Portree), (a witness to the restoration of the lands of Lochnaw by William Douglas to Andrew Agnew, 1426), had a second son, Robert Adair of Kildonan, *ancestor of the Adairs of Genoch;* his eldest son (or grandson)

3. William Adair married a daughter of Robert Vaus of Barnbarroch (sister-in-law of Quentin Agnew of Lochnaw), and had

4. Alexander Adair (styled of Kilhilt), married, 1st, Euphemia, daughter of Sir Alexander Stewart of Garlies, and 2d, Janet, daughter of Uchtred M'Dowall of Garthland; killed at Flodden, 1513, leaving,

5. Ninian Adair, married Katherine, daughter of Patrick Agnew of Lochnaw, Sheriff of Galloway, died 1525, leaving by her

6. William Adair, married Lady Helen, daughter of Gilbert, 2d Earl of Cassilis, by whom he had

7. Ninian Adair, married Helen (or Elizabeth), daughter of Sir James Gordon of Lochinvar, his *fourth* son Alexander was Dean of Rapho, 1616; Bishop of Killaloe; Bishop of Waterford and Lismore, 1641; died 1646: his eldest son

8. William Adair, married, 1st, Rosina, daughter of Sir Thomas M'Clellan of Bomby, succeeded 1608 (exchanged Dunskey for Ballymainoch (Ballymena) with Sir Hugh Montgomery, Viscount Airds); married, 2dly, daughter of Houstoun of Castle Steward; married, 3dly, Helen, daughter of Cathcart of Carlton by whom he had William Adair, minister of Ayr, 1640 to 1684.

9. Sir Robert Adair (eldest son of the above by his first wife), M.P. for Wigtownshire, 1639 and 1648; married Jean, daughter of William Edmonstone of Duntreath, by whom he had, besides his successor, a third son, Alexander, of Drumore, and Isabel, married to Patrick M'Dowall of Logan.

10. William Adair, succeeded 1655, married, first, Jean, daughter of Sir William Cunningham of Cunninghamhead; married, second, Anne, daughter of Colonel Walter Scott; by her he had

11. Sir Robert Adair of Kilhilt and Ballymena, a knight banneret, sold the baronies of Kilhilt and Drumore to the Earl of Stair; married, 1st, Penelope, daughter of Sir Robert Colvile; married, 2d, Martha—died August 1705; married, 3d, October 1705, Ann M'Aulay; married, 4th, Arabella Rickets; left by his third wife

12. Robert Adair, a major of Dragoons ("*now living*," Adair MSS. 1760); married Catherine Smallman, an English lady of fortune. The family is represented by Sir Robert Stafto Adair of Flixton Hall.

VANS-AGNEW OF BARNBARROCH.

The Vanses are of Norman descent; the name, originally Vaux, is territorial, at the time of the Norman conquest the family were Lords of Vaux, in Normandy.

The name is spelt variously Vaux, Vaus, Wauss, and in Galloway Vans, which last branch derive their descent from the house of Vause of Dirleton, in East Lothian.

1. Robert Vaus, nephew of Alexander Vaus, Bishop of Galloway,

acquired in 1451 the lands of Barnbarroch, he married Lady Euphemia Graham, daughter of the Earl of Menteith, and by her had (3.) George Bishop of Galloway; (4.) Mariotta, married Quentin Agnew of Lochnaw, Sheriff of Galloway; (5.) daughter married to Uchtred M'Dowall of Garthland; (6.) daughter married William Adair of Kilhilt; his eldest son

2. Blaise Vaus, married Elizabeth, daughter of Sir John Shaw of Haillie, by whom he had

3. Patrick Vaus, married Margaret Kennedy; his eldest son

4. John Vaus, succeeded 1528, married Janet, daughter of Sir Simon M'Culloch of Myrtoun; he was killed at Pinkey, 1547; having had

1. Alexander, his heir.
2. Patrick, who succeeded his brother.

5. Alexander Vaus, married Euphemia, daughter of Sir John Dunbar of Mochrum, without issue.

6. Sir Patrick Vaus, a Senator of the College of Justice, known as Lord Barnbarroch, married, first, Elizabeth, daughter of Sir Hew Kennedy of Girvanmains; married, second, Lady Catherine Kennedy, widow of Sir William Wallace of Craigie, daughter third Earl of Cassilis, succeeded his brother 1568, and had with ten daughters,[1]

7. Sir John Vaus or Vans, succeeded 1597, married Margaret, daughter of Uchtred M'Dowall of Garthland, by whom he had

8. Sir Patrick Vans, succeeded 1642, married Grissel, daughter of John Johnstone of Johnstone, and had

1. John. 2. Alexander.

9. John Vans, succeeded 1673, married Grissel, daughter of Sir John M'Culloch of Myrtoun, without issue.

10. Alexander Vans, succeeded his brother 1696, married Margaret, daughter of Sir William Maxwell of Monreith, by whom he had

11. Patrick Vans, married daughter of Patrick M'Dowall of Freuch, whose son

12. John Vans, succeeded 1733, and married, 1747, Margaret, daughter and heiress of Patrick Agnew of Sheuchan, and thereupon assumed for himself and his heirs the name of Agnew.

(Patrick Agnew, third son of Sir Patrick Agnew of Lochnaw by Dame Margaret Kennedy, born *circa* 1605, received from his father the lands of Sheuchan and Tongue, married Elizabeth, daughter of

[1] Page 215.

William Gordon of Craichlaw, and had Andrew Agnew, married a daughter of Robert M'Douall of Logan, by whom he had

Patrick Agnew of Sheuchan, married Margaret, daughter of Patrick M'Dowall of Freuch, by Margaret, daughter of William Hattridge of Dromore, by whom he left an only daughter and heiress, Margaret Agnew, married John Vans as above.)

DUNBAR OF MOCHRUM.

(From whom sprang the Dunbars of Baldoon.)

The Dunbars are of Saxon origin. The name is derived from the lands and Castle of Dunbar in Haddingtonshire ; and means the fort on the height. (Lord Hailes renders it "*Top-cliff.*")

I. At the time of the Norman Conquest, Cospatrick, Earl of Northumberland, son of Maldred, by Algatha, daughter and heiress of Uthred, prince of Northumberland, by Elgiva, daughter of Ethelred, king of England, retired into Scotland, where he was well received by the king, Malcolm III. (Canmore), who bestowed upon him the manor of Dunbar and other lands. His son

II. Cospatrick was, *circa* 1129, raised to the rank of an Earl of Scotland, as is shown by ancient charters, as, *e.g.*, in one of the writs of Coldingham, dated 1130, he is designated "Cospatricius Comes."

III. Cospatrick, his son, succeeded as second earl, A.D. 1139, and had with his successor, a son, Patrick

IV. Cospatrick, third earl, succeeded 1147 ; his son

V. Waldeve, fourth earl, is the first whom we find designated Earl of Dunbar.

VI. Patrick succeeded his father, Waldeve, as fifth earl, 1184. He married Ada, natural daughter of King William I. (the Lion), by whom he had, besides his successor, a daughter Ada, on whom he bestowed the lands of Home ; and she marrying her cousin William, son of Patrick, the second son of the second earl, was by him ancestress of the Earls of Hume.

VII. Patrick, sixth earl, succeeded 1231. He married Euphemia, daughter of Walter, High Steward of Scotland (progenitor of the Stewarts of Garlies); and had

VIII. Patrick, seventh earl (who is designated Earl of Dunbar and March), and married Christian, daughter of Robert the Bruce.

IX. Patrick, eighth earl, son of the above, succeeded 1289. He set up a claim to the Scottish throne, as great-grandson of Ada, daughter of William the Lion. He married Marjory, daughter of Alexander Cumyn, Earl of Buchan; and by her had

X. Patrick, ninth Earl of Dunbar and March; succeeded 1309; married Agnes, daughter of Thomas Randolph, Earl of Moray, who on her brother's death became Countess of Moray. In his eighty-fourth year, A.D. 1368, he resigned the Earldom of March and his estates to his eldest son, and had, with other issue,—

1. George, tenth Earl of Dunbar and March.
2. John, Earl of Moray, in right of his mother.
3. Margaret, who married William, first Earl of Douglas.

XI. George, tenth Earl of Dunbar and March. He married Christian, daughter of Sir William Seton, and by her had

1. George, eleventh Earl of Dunbar and March, whose titles were forfeited 1435.
2. *David*, who with consent of his brother George, obtained for his father, A.D. 1375, by charter, the lands of Mochrum, Cumnoch, and Blantyre.
3. Sir Patrick (see XII.)

XII. Sir Patrick, son of the tenth Earl of Dunbar and March, succeeded, on the death of his brother David, to the above lands. He was one of the hostages for James I. (then a prisoner in England) in 1423; and ambassador to the English Court, 1429. His son and heir,

XIII. Sir John Dunbar, was infeft in the lands of Mochrum in his father's lifetime, 1432.

XIV. Sir Patrick Dunbar, son of the above, succeeded 1437; and

marrying Margaret, daughter of Sir Thomas Boyd, left three daughters, co-heiresses, who all married kinsmen.

1. Euphemia, married 1474, Sir James Dunbar, eldest son of Sir Alexander Dunbar of Westfield, heritable Sheriff of Moray, and had the barony of Cumnoch for her portion.
2. *Margaret of Mochrum* married, 1474, Sir John Dunbar, second son of Sir Alexander (of Westfield).
3. Janet, married, 1479, Patrick Dunbar, lineal heir of the forfeited Earl of March.

XV. Margaret Dunbar and Sir John Dunbar had issue a son and heir John; and Margaret dying in 1483, Sir John Dunbar married, 2d, Janet, daughter of Sir Alexander Stewart of Garlies, by whom he had,

2. Archibald, progenitor of the DUNBARS OF BALDOON.
3. Gavin, tutor to James V., Archbishop of Glasgow, and Chancellor of Scotland.

Sir John was Sheriff of Kirkcudbright, and was killed by Gordon of Lochinvar, 1503.

XVI. Sir John Dunbar, his heir, married Catherine, daughter of Thomas M'Clellan of Bomby, and had issue. He was killed at Flodden, 1513.

XVII. Sir John Dunbar, son of No. XVI., married Nicholas, daughter of Sir Alexander Stewart of Garlies (hence was *brother-in-law to the fifth Sheriff of Galloway*), and dying in 1543, was succeeded by his eldest son

XVIII. Sir John Dunbar; who, in 1557, obtained a charter to himself and his heirs of coroner of the Shire of Wigtown. He married Elizabeth, daughter of Mungo Mure of Rowallan, and by her left a daughter and heiress.

XIX. Grizell Dunbar, who married, 1564, her kinsman, Alexander Dunbar of Conzie, lineal descendant of Alexander, third son of Sir Alexander Dunbar, first hereditary Sheriff of Moray, by whom she had—

1. Sir John, her heir.
2. *Alexander Dunbar of Pankhill.*

Sir John Dunbar of Mochrum married, 1587, Elizabeth, daughter of Sir John Kennedy of Blairquhan, by whom he had	XX.	Alexander Dunbar, who got from his grandfather the lands of Pankhill, Egerness, etc. He married Nicolas, daughter of Sir Alexander Stewart of Garlies, and sister of the first Earl of Galloway, by whom he had
Alexander, who predeceased his father, leaving issue Sir John, who was served heir to his grandfather A.D. 1650, and died unmarried A.D. 1656.	XXI.	John Dunbar of Pankhill; married Marjory, daughter of Thomas Urquhart of Burdsyards; and, on the death of his cousin Alexander, succeeded to the estate of Mochrum, and was succeeded by his son,

XXII. Thomas Dunbar of Mochrum, who married, 1661, Christian, daughter of James Ross of Balneil (sister of the first Viscountess Stair); died 1675, leaving an only son,

XXIII. Sir James Dunbar, created a baronet 1694 (known in Galloway as the Giant). He married, 1697, Isabel, daughter of Sir Thomas Nicholson of Carnock, Lord Advocate of Scotland; by whom he had Sir George, a cavalry officer, his heir. He married, 2d, Jean Kennedy, of the family of Knockdaw, by whom he had Elizabeth, married to Captain George Agnew, fifth son of Sir James Agnew, Sheriff of Galloway, and John, an officer of the Scots Greys, killed at the battle of Malplaquet.

XXIV. Sir George Dunbar, a captain in the Scots Greys, married Janet, daughter of Sir John Young of Lenie, and had

1. Sir James, his heir.
2. John, died unmarried.
3. Thomas.

XXV. Sir James Dunbar, married Jacobina, daughter of John Hamilton, of the family of Wishaw. He succeeded in 1747; but his line failing, the issue of his brother Thomas succeeded to the title, and his great-grandson is the present Sir William Dunbar of Mochrum, M.P. for the Wigtown boroughs.

STEWART OF GARLIES.

The Stewarts are of Norman descent.

The name is derived from Steward, the office of High Steward of Scotland having been long hereditary in the family. The surname

has been variously spelt Steward, Stewart, and Stuart. The original official style was "*Dapifer*," afterwards changed into "*Senescallus*."

Tracing the descent of the Galloway branch of this powerful family from the days of Malcolm Canmore and the Norman Conquest, we begin with

I. *Alan*,[1] son of Flathald, or Flaad, who obtained the castle of Oswestry, in Shropshire, from William the Conqueror. He married the daughter and sole heiress of Warine, Sheriff of Shropshire, and by her had three sons—

William, progenitor of the Fitzalans, Earls of Arundel, now represented by the Duke of Norfolk.

Walter, High Steward of Scotland, ancestor of the Stewarts of Garlies, Earls of Galloway.

Simon, progenitor of the Boyds, of whom the Earl of Errol is now the male lineal representative.

II. Walter, the second son of Alan, acquired from King David I. the hereditary office of Steward of Scotland at a date previous to 1152. A charter of confirmation exists granted to Walter, the Steward, by King Malcolm IV., dated at Roxburgh Castle, 24th June 1157, with the words "*in the fifth of our reign.*" Walter married Eschina, daughter of Thomas de Loudonus, heiress of Molla and Huntlaw in Roxburghshire, and had an only son,

III. Alan, High Steward of Scotland, who died A. D. 1246, and by Beatrice, daughter of Gilchrist, Earl of Angus, left

IV. Alexander, High Steward of Scotland, who obtained a grant of the BARONY OF GARLIES *in Galloway*, 1263, and died A. D. 1283; leaving by his wife, Jean, daughter and heiress of Angus Macrory, Lord of Bute,

James, who succeeded his father as High Stewart of Scotland, whose grandson, Robert, became King of Scotland as Robert II.; and

JOHN, ancestor of the Earls of Angus, Dukes of Lennox, and *Earls* of *Galloway*.

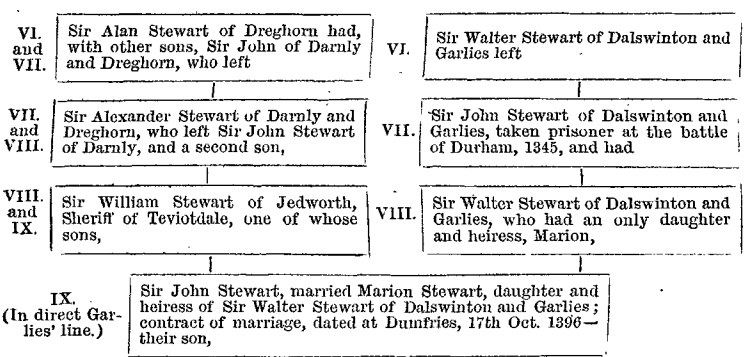
V. (The second son of Alexander, known as) Sir John Stewart of

[1] *Alan*, along with Henry I. of England's Queen, Matilda (herself a daughter of Malcolm III. (Canmore), king of Scotland), is a witness to a charter, dated 18th September 1101, subscribed by himself, thus—"*Ego Alanus Flaadi filius.*"

Bonkyl (having married Margaret, daughter and heiress of Sir Alexander Bonkyl of Bonkyl), was born 1246. His name appears on the Ragman Roll. He was killed at the battle of Falkirk, 22d July 1298, and had with other children

1. Sir Alexander, whose grandson was created Earl of Angus.
2. *Sir Alan of Dreghorn*, a comrade of Agnew, Lord of Larne, in Edward Bruce's wars, who had a charter from David II. *of the lands of Corswall in Galloway*, and was killed at the battle of Halidon Hill, 1333.
3. *Sir Walter*, of *Dalswinton* and *Garlies*.
4. Sir James, ancestor of the Earls of Atholl, Buchan, and Traquair.
5. Sir John, who also took part in Bruce's Irish campaigns; and,
6. Isabel, married Thomas Randolph, Earl of Moray, another of Edward Bruce's followers, who became Regent of Scotland.

The Stewarts of Garlies are directly descended from both the second and third sons of this family.


VI. and VII.
Sir Alan Stewart of Dreghorn had, with other sons, Sir John of Darnly and Dreghorn, who left
VI.
Sir Walter Stewart of Dalswinton and Garlies left
VII. and VIII.
Sir Alexander Stewart of Darnly and Dreghorn, who left Sir John Stewart of Darnly, and a second son,
VII.
Sir John Stewart of Dalswinton and Garlies, taken prisoner at the battle of Durham, 1345, and had
VIII. and IX.
Sir William Stewart of Jedworth, Sheriff of Teviotdale, one of whose sons,
VIII.
Sir Walter Stewart of Dalswinton and Garlies, who had an only daughter and heiress, Marion,
IX. (In direct Garlies' line.)
Sir John Stewart, married Marion Stewart, daughter and heiress of Sir Walter Stewart of Dalswinton and Garlies; contract of marriage, dated at Dumfries, 17th Oct. 1396—their son,

X. Sir William Stewart of Garlies acquired the lands of Glasserton in Galloway; he married, second, Lady Euphemia Graham, daughter of the Earl of Menteith, relict of Robert Vauss of Barnbarroch (mother-in-law of the third Sheriff); by a former wife he left (with a younger son, Sir Thomas, ancestor of the Lords Blantyre)

XI. Sir Alexander, who, in 1459, married Elizabeth Stewart (family unknown), and had

XII. Sir Alexander Stewart, killed at the battle of Flodden, 1503, having had by his wife, Elizabeth, daughter of Sir Archibald Douglas of Cavers,

XIII. Sir Alexander Stewart, usually styled *of Grenan*, who predeceased his father, having had by Elizabeth, his wife, daughter of Alexander Kennedy of Blairquhan, *nineteen* daughters, of whom,

Janet married Sir John Dunbar of Mochrum.
(Another) married Patrick Hannay of Sorbie.
(Another) married Cairns of Orchardtown.
(Another) married Finlay Campbell of Corswall.
Agnes, married to Andrew Agnew of Lochnaw, Sheriff of Galloway.
Marion, married to Uchtred M'Dowall of Garthland.[1]
And a son,

XIV. Sir Alexander Stewart, who succeeded his grandfather when a minor, married, in 1521, Katherine, daughter of Sir James Creichton of Cranstoun-Riddell; and second, Margaret, daughter and heiress of Patrick Dunbar of Clugston. He was one of the prisoners taken at the Solway rout in November 1542; by his second wife he left

1. Alexander, his successor.
2. John, parson of Kirkmahoe, progenitor of the Stewarts of Physgill; and Margaret, married to Patrick M'Kie of Larg.[2]

XV. Sir Alexander Stewart, married Katherine, daughter of William Lord Herries of Terregles, and was killed at the surprise of Stirling 1571, leaving a daughter Agnes, married in 1577 to Sir Andrew Agnew of Lochnaw, Sheriff of Galloway, and a son

XVI. Sir Alexander Stewart (who was knighted along with his brother-in-law the Sheriff at Queen Anne's Coronation 1590). He married Christian, daughter of Sir William Douglas of Drumlanrig, and had Nicholas, married to Alexander Dunbar of Pankhill (whose

[1] It is erroneously stated in most peerages that one daughter married Thomas Kennedy of Bargany—this is contradicted by charters of the Bargany family; and another to Alexander Adair of Kilhilt—this is a mistake for a previous generation.

[2] Margaret Stewart is stated in Douglas and Wood's Peerages to have married, first, Patrick Agnew of Lochnaw, but this is an error.

son succeeded his kinsman as heir of Mochrum), and other issue, and dying in 1596, was succeeded by his son, then a minor.

XVII. Sir Alexander Stewart when under age married Grizel, daughter of Sir John Gordon of Lochinvar; was created *Baron Garlies* 19th July 1607; and *Earl of Galloway* 9th September 1623. He died in 1649, leaving

James, his successor; and
Agnes, married to Sir Andrew Agnew of Lochnaw, Sheriff of Galloway.

XVIII. James, second Earl of Galloway, who married Nicholas, daughter of Sir Robert Grierson of Lag, and dying in 1671 left, besides his successor,

Robert Stewart of Ravenston.
William Stewart of Castle-Stewart, colleague of Sir Andrew Agnew in Parliament 1685.
Grizel, married to Alexander, sixth Viscount Kenmure.

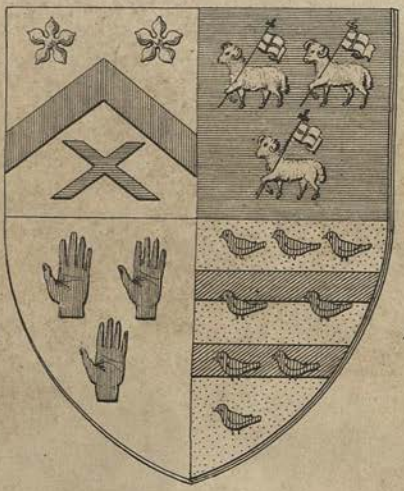
XIX. Alexander, third Earl of Galloway, married Lady Mary, daughter of James, second Duke of Queensberry, and had

XX. Alexander, fourth Earl of Galloway, died unmarried 1694.

James, fifth Earl of Galloway.
John Stewart of Sorbie, elected one of the members for the county on Sir Andrew Agnew (the tenth Sheriff's) death in 1701; and other issue.

XXI. James, fifth Earl of Galloway, succeeded his brother Alexander in 1695; he married Lady Catherine, daughter of Alexander, ninth Earl of Eglinton (niece of the eleventh Sheriff, whose sister Lady Jean married Sir Alexander Maxwell of Monreith), and had, besides other issue,

Alexander, sixth Earl.
James, a Colonel in the Guards, member for the Wigtown Burghs 1734, and for the county 1741.
William, a cavalry officer, member for the Wigtown Burghs 1741.
Euphemia, married to Murray of Broughton.



Quarterings of Agnew of Lochnaw.

Arms of Agnew of Lochnaw,

as matriculated in the Books of the Lyon King of Arms.

XXII. Alexander, sixth Earl of Galloway, succeeded 1746, married, 1st, Lady Anne Keith, daughter of William, ninth Earl Marischal; and, 2d, Lady Catherine Cochrane, daughter of John, fourth Earl of Dundonald, and had issue. The year after his succession, hereditary jurisdictions were abolished. [1]

AGNEW OF LOCHNAW.

The Agnews are of Norman descent. The name was territorial, and its origin probably heraldic, the arms carried by the family of old being three Holy Lambs (Agneaux.)

The ancestors of the House of Lochnaw were, in the eleventh century, Lords of L'Isle and Auval, in France: we can trace some of their early descents with tolerable regularity (though very possibly we may be confounding different lines), as for example—

Sir Philip Agneau, *circa* 1200. [2]
Sir Philip Agneau, knight banneret, 1228.
Sir John Agneau (his grandson ?), 1295.
Sir Henry Agneau, his son.

[1] Previous to the House of Castlemilk becoming extinct, the identity of Sir William Stewart of Jedworth (No. IX.) was the subject of warm controversy, partisans on the one side declaring him to be identical with Sir William Stewart of Castlemilk, those on the other insisting that they were two distinct persons, although kinsmen. This was the *sole* point formerly in dispute as to the Galloway pedigree, important then as being decisive as to which of the two houses represented the Dukes of Lennox. We do not enter on this subject now settled by time, and the correctness of the genealogy as given has never been disputed.

[2] Probably d'Agneau and de Courcy, both neighbouring Norman knights, had been comrades in the Holy Land previous to their service in Ireland. "*Ancient records,*" says the learned Dr. M'Crie, "*point to a very early connection between the Agnews and De Courcys.*" Many of their ancestors had served as Crusaders. Sir Robert de Courcy was made a banneret towards the close of the reign of Philip II., and shortly afterwards Sir Philip d'Agneau received the same honour. The principal seat of the Courcys was near Falaise, that of the Agnews between Bayeaux and Caen. Both the Courcys and Agnews changed their armorial bearings after (or during) the Crusades, and it is a curious coincidence that a younger branch of each family adopted arms almost precisely identical; Azure, a cheveron or, between three cinquefoils of the same (*Dictionnaire Genealogique, Heraldique*, etc., see page 8). These latter Courcys were styled "de la Touche et de Romagny." William de Courcy, father of Sir John, was state-steward to Henry II.

Towards the close of the twelfth century they were granted lands in Ireland, but a century later, ceasing to keep up any connection with France, the successions cannot be accurately followed, no genealogies of the early lords of Ulster being extant. They were then (1200-1330), styled Lords of Larne.

1. Agneau (Sir Patrick?), son and heir of the Lord of Larne, *circa* 1330 acquired the lands of Lochnaw in Galloway, with the hereditary title of constable, and the office of Sheriff of Wigtown, as well as of baillie of Leswalt.

2, 3, 4. Agnews of Lochnaw (the dates of whose successions are lost) enjoyed the same offices till the expulsion of the *great-grandson* of the first constable by Earl Douglas, *circa* 1390.

5. (Sir) Andrew Agnew, son of the above, married, 1426, Mary? daughter of Sir John Kennedy of Dunure by the Princess Mary, by whose aunt, the Duchess of Turenne, Lady Superior of Galloway, he was re-instated in his father's position; charters of ratification were passed to him under the Great Seal, establishing also the Sheriffdom of Wigtown in his family for ever. He was heritable baillie of Leswalt, Monybrig, Soulseat, and Drummastoun; his son

6. (Sir) Andrew Agnew, succeeded 1455, married daughter of (Thomas?) M'Dowall of Garthland, and had

I. Quentin.
II. William of CROACH.
III. Nevin.
IV. A daughter married Robert Ahannay of Sorby.

7. Quentin Agnew, succeeded, 1484; married, 1469, Mariotta, daughter of Robert Vaux of Barnbarroch, by Lady Euphemia Graham (who remarried Sir William Stewart of Garlies), and had—

I. Patrick.
II. Michael.

8. Patrick Agnew, succeeded 1498, married, *circa* 1499, Katherine, daughter of Sir John Gordon of Lochinvar, by the heiress of John Accarson of Rusco, he left

I. Andrew.
II. Katherine, married Ninian Adair of Kilhilt.
III. Margaret, married William Cairns of Orchardtown.
IV. Christina, married Blaise M'Ghie.

9. Andrew Agnew, succeeded 1514, married Agnes, daughter of Sir Alexander Stewart of Garlies, by Elizabeth, daughter of Alexander Kennedy of Blairquhan. He was killed at the battle of Pinkey, leaving—

I. Patrick.
II. Gilbert of GALDENOCH.

10. (Sir) Patrick Agnew, succeeded 1547; married, 1550, Janet, daughter of Sir James Gordon of Lochinvar, by whom he had—

I. Andrew.
II. Patrick (probably progenitor of Agnews of KILWAGHTER), married Agnes, daughter of John Stewart, parson of Kirkmahoe.
III. William of BARMEILL.
IV. Thomas, whose son, Patrick of CASTLEWIGG, married Helen, daughter of Sir Anthony Dunbar of Machermore, and succeeded his uncle William of Barmeill.
V. Quentin.
VI. Catherine, married, first, 1575, Alexander M'Kie of Larg; second, 1593, Alexander Gordon of Clanyard.

11. Sir Andrew Agnew, succeeded 1591; married, 1577, Agnes, daughter of Sir Alexander Stewart of Garlies by Catherine, daughter of Lord Herries of Terregles, and had

I. Patrick, his heir.
II. Andrew, married Mary M'Dowall.
III. Alexander, of TUNG.
IV. Quentin.
V. Jean, married James Kennedy of Cruggleton.
VI. Rosina, married William M'Clellan of Glenchannoch, by whom she had Thomas, second Lord Kirkcudbright.

12. Sir Patrick Agnew, succeeded 1616. Knighted early in life; created a baronet, 1629. Married Margaret, daughter of the Honourable Sir Thomas Kennedy of Culzean, by Elizabeth, daughter of David Macgill of Cranstoun-Riddel; elected member for the county, 1633-1643. He left—

I. Sir Andrew (knighted in his father's lifetime), his heir.

II. James of AUCHROCHER, colonel of Lord Kirkcudbright's regiment, married daughter of Kennedy of Ardmillan; died 1648.

III. Patrick of SHEUCHAN, married Elizabeth, daughter of William Gordon of Craichlaw.

IV. Alexander of WHITEHILLS, a colonel in the army, and had issue—Andrew, his heir. Was lieut.-colonel of the Earl of Galloway's regiment, 1648.

V. Jane, married, 1621, Alexander M'Douall of Logan.

VI. Agnes, married, 1622, Uchtred M'Dowall of Freuch, M.P.

VII. Elizabeth, married J. Baillie of Dunragit.

VIII. Marie, married Hew M'Dowall of Knockglass.

IX. Rosina, married, 1632, John Cathcart of Genoch.

13. Sir Andrew Agnew, succeeded 1661; married, 1626, Lady Agnes Stewart, daughter of Alexander, first Earl of Galloway, by Grizzel, daughter of Sir John Gordon of Lochinvar. M.P. for county Wigtown, 1644-1651, and 1665-1671; a member of the Commission for governing the kingdom, 1649; Sheriff of Kirkcudbright as well as Wigtown during the Commonwealth. His family were—

I. Andrew, his heir.

II. William, married Elizabeth, daughter and heiress of Patrick Agnew of Castlewigg.

III. Grizzel, married, 1670, Hew Cathcart of Carleton.

IV. Margaret, married, 1656, John Maxwell, younger of Monreith; and 2d, the Rev. Walter Lawrie.

14. Sir Andrew Agnew, succeeded 1671; married, 1656, Jane, daughter of Sir Thomas Hay of Park. Was M.P. for county Wigtown, 1685-1701; member of Grand Convention of Estates, 1689. Had—

I. James, his heir.

II. Andrew.

III. Thomas, Cornet in the Royal Scots Dragoons, died 1690.

IV. Grizzell, married Sir Charles Hay of Park.

15. Sir James Agnew, succeeded 1701; married, 1684, Lady Mary Montgomery, daughter of Alexander, eighth Earl of Eglintoun, by Lady Elizabeth Crighton, daughter of William, second Earl of Dumfries, and had twenty-one children, of whom—

I. Andrew, his successor, born 1687.

II. Patrick, an officer in the Inniskillen Dragoons—died young.
III. Charles, a cavalry officer—died young.
IV. James, of Bishop's Auckland, major 7th Dragoons, married Margaret, daughter of Thomas Wilkinson of Kirkbrigg, and had—1. James, a brigadier-general; 2. Montgomery, a lieutenant-general, and governor of Carlisle; 3. William, a military officer; 4. Alexander, Captain R. N.; 5. Mary, married Robert M'Queen, Lord Braxfield; 6. Catherine, married Sir Richard Vanden Bempde Johnstone.
V. George, a cavalry officer, married Elizabeth, daughter of Sir James Dunbar of Mochrum.
VI. John, captain 8th Dragoons.
VII. Jean, married, 1705, John Chancellor of Shieldhill.
VIII. Margaret, married, 1700, Colonel Andrew Agnew of Lochryan.
IX. Ann.

16. Sir Andrew Agnew, succeeded 1735; married, 1714, Eleanor, daughter of Thomas Agnew of the house of Lochryan. A lieutenant-general, and Governor of Tinmouth Castle; had issue—

I. Mary, born 1715; married, 1738, Sir Michael Bruce of Stenhouse.
II. Elizabeth, married, 1752, Charles Innes of Urrell.
III. Eleanora.
IV. Andrew, married Elizabeth Dunbar; died 1751.
V. Thomas.
VI. Katherine, married, 1749, John Gillon of Walhouse.
VII. Jean.
VIII. Anne.
IX. Grizzel.
X. Wilhelmina, married, 1758, John Campbell of Skerrington.
XI. James, a naval officer.
XII. Margaret.
XIII. Susanna.
XIV. William, a military officer, died in garrison at Gibraltar, 1756.
XV. Stair, his successor, born 9th October 1734.
XVI. Penelope, married Alexander Agnew of Dalreagle, and had by him Patrick Agnew, afterwards a general officer.
XVIII. Patrick.

17. Sir Stair Agnew, succeeded 1771; married Marie, daughter of Thomas Baillie of Polkemmet, and sister of William Baillie, a Lord of Session, by the style of Lord Polkemmet. Had issue—

I. Andrew.
II. James.
III. Eleanora.
IV. Isabella, married Robert Hathorn Stewart of Physgill.
V. Mary.

18. Andrew Agnew, a military officer, married, 21st May 1792, the Honourable Martha de Courcy, daughter of John, twenty-sixth Lord Kinsale, by Susan, daughter of Conway Blennerhasset of Castle Conway; died 11th September 1792, predeceased his father, leaving a posthumous son, Andrew, born 21st March 1793.

19. Sir Andrew Agnew, succeeded 1809; married Madeline, youngest daughter of Sir David Carnegie of Southesk, M.P. for Forfarshire, by Agnes, daughter of Andrew Elliot, Governor of New York. Was M.P. for Wigtownshire, 1830-1837; left issue—

I. Andrew, his successor, born 2d January 1818.
II. John de Courcy Andrew, born 1819, commander R.N., flag-lieutenant to Sir Charles Napier in the Baltic campaign, and at the taking of Bomarsund; married, first, Anne, daughter of the Rev. D. Wauchope; second, Patricia, daughter of W. H. Dowbiggin.
III. David Carnegie Agnew, born 1821; in holy orders; married Eleanora, daughter of George Bell, Esq., F.R.S.E.
IV. James Andrew, C.E., born 1823.
V. Agnes, born 1825; married Rev. T. B. Bell.
VI. Martha, born 1826; married Fred. L. Maitland Heriot of Ramornie.
VII. Elizabeth, born 1829; died 1830.
VIII. Madeline Elizabeth, born 30th January, died 8th November 1830.
IX. Stair Andrew, born 1831; a military officer, served in the Crimea and Canada, and called to the bar, 1860.
X. Thomas Frederick Andrew, born 1834; married Julia, daughter of Charles Pelly, Esq.
XI. Gerald Andrew, born 1835; an officer in the 90th Light Infantry, served Indian campaign under Havelock,

Outram, and Lord Clyde; present at the relief of Lucknow, 1857—wounded.

XII. Michael Andrew, born 1837; died 1839.

XIII. Mary Graham, born 1838; married, 1858, James Douglas of Cavers.

20. Sir Andrew Agnew, succeeded 1849, M.P. for Wigtownshire; married, 1846, Lady Louisa Noel, daughter of Charles, first Earl of Gainsborough, and has issue, with other children—

21. Andrew Noel Agnew, born 1850.

AGNEW OF CROACH OR LOCHRYAN.

1. William Agnew, son of Andrew Agnew of Lochnaw (No. 6 in preceding genealogy), by a daughter of the Laird of Garthland, received from his father the lands of Croach (now Lochryan), a part of the barony of Innermessan, born about 1430; his son

2. Nevin Agnew, mentioned along with his father in a deed 1498.

3. Nevin Agnew of Croach, in possession 1537.

4. Gilbert Agnew, mentioned in deeds of 1550 and 1566.

5. Alexander Agnew, in possession 1575.

6. William Agnew, styled in a retour of 1620 "heir of Nevin Agnew his great-grandfather," married a daughter of M'Douall of Logan.

7. Alexander Agnew, married Sarah Elizabeth, daughter of John Dunbar of Mochrum, and had Andrew his heir, and Thomas, a captain in the Scots Greys, who had an only daughter, Eleanor, married Lieutenant-General Sir Andrew Agnew of Lochnaw.

8. Andrew Agnew, a colonel of dragoons, in 1700 married, 1st, Margaret, daughter of Sir James Agnew of Lochnaw, by whom he had a son, Thomas, his heir; married, 2d, Margaret, daughter of Kennedy of Dunure, by whom he had a daughter Eleanor.

9. Thomas Agnew, an officer of the Guards, died unmarried 1736, his sister Eleanor Agnew married Sir Thomas Wallace of Craigie, by whom she had an only daughter, Francis Anne, married John Dunlop of Dunlop.

AGNEW OF WIGG.

1. Patrick Agnew of Lochnaw (No. 10 in preceding genealogy)

married in 1550 Janet, daughter of Sir James Gordon of Lochinvar, by whom he had, with other children—

III. William of Barmeill and Wigg or Castlewigg.
IV. Thomas, married and had a son Patrick.

2. William Agnew dying in 1625 left his entire estate to his nephew Patrick Agnew (son of his brother Thomas), who married Helen, daughter of Sir Anthony Dunbar of Machermore, and had a daughter and heiress *Elizabeth*.

3. Elizabeth Agnew of Castlewigg married William Agnew, second son of Sir Andrew Agnew of Lochnaw by Lady Agnes Stewart 1662, and had issue

I. William. II. Agnes, married Charles Stewart of Tonderghie, and had a daughter, Elizabeth.

4. William Agnew succeeded his parents, and died unmarried 1738.

In 1738 Hugh Hathorn, eldest son of Elizabeth Stewart, who had married Hugh Hathorn, a merchant in Edinburgh, succeeded to his grand-uncle, and thereafter married Anne, daughter of Colonel Patrick Vans of Barnbarroch.

REPRESENTATION OF THE BARONS OF THE SHERIFFDOM OF WIGTOWN IN PARLIAMENT FROM THE ACCESSION OF CHARLES I. TO THE UNION.

1st Parliament of Charles I.

1628 to 1633.—Sir Patrick Agnew of Lochnaw (eighth Sheriff).

2d Parliament of Charles I.

1639 to 1641.—Sir Robert Adair of Kilhilt.

Convention of Estates.

1643.—Sir Patrick Agnew of Lochnaw (eighth Sheriff).
James M'Dowall of Garthland.

Convention of Estates.

1644.—Sir Andrew Agnew, Knight, younger of Lochnaw.

3d Parliament of Charles I.

(Commonly called the first Triennial Parliament.)

1644 to 1647.—Sir Andrew Agnew, younger of Lochnaw.
James M'Dowall of Garthland.

4th Parliament of Charles I.

(Commonly called the second Triennial Parliament.)

1648 to 1651.—Sir Andrew Agnew, younger of Lochnaw (ninth Sheriff).
Sir Robert Adair of Kilhilt.

1st Parliament of Charles II.

1661 to 1663.—Uchtred M'Dowall of Freuch.
Richard Murray of Broughton.

Convention of Estates.

1665.—Sir Andrew Agnew of Lochnaw (ninth Sheriff).
Sir David Dunbar of Baldoon.

Convention of Estates.

1667.—Sir Andrew Agnew of Lochnaw (ninth Sheriff).
William Maxwell of Monreith.

2d Parliament of Charles II.

1669 to 1674.—Sir Andrew Agnew of Lochnaw (ninth Sheriff).
William Maxwell of Monreith.
(Sir Andrew Agnew died in 1671, and was succeeded by)
Sir James Dalrymple of Stair.

Convention of Estates.

1678.—Sir James Dalrymple of Stair.
Sir Godfrey M'Culloch of Myrtoun.

3d Parliament of Charles II.

1681.—Sir James Dalrymple of Stair.
Sir David Dunbar of Baldoon.

1st Parliament of James VI.

1685.—Sir Andrew Agnew of Lochnaw (tenth Sheriff).
Honourable William Stewart of Castle-Stewart.

Grand Convention of Estates summoned by the Prince of Orange.

1689.—Sir Andrew Agnew of Lochnaw (tenth Sheriff).
William M'Dowall of Garthland.

1st Parliament of William and Mary.

1689 to 1702.—Sir Andrew Agnew of Lochnaw (tenth Sheriff).
William M'Dowall of Garthland.

William M'Dowall died in 1007, and was succeeded by)

Honourable William Stewart of Castle-Stewart.

1st Parliament of Queen Anne.

1702 to Union.—Honourable William Stewart of Castle-Stewart.
Honourable John Stewart of Sorbie.

COMMITTEES FOR WARRE FOR THE SHERIFFDOME OF WIGTOUN.

1643. *26th August.*	1644. *24th July.*	1646. *2d February.*	1648. *18th April.*	1649. *15th February.*
.....	Earl of Cassilis	Earl of Cassilis	Earl of Cassilis	Earl of Cassilis
.....	Earl of Galloway	Earl of Galloway	.....	.....
.....	Lord Garlies	Lord Garlies	Lord Garlies	.....
.....	.....	.....	Viscount Airds	Sir Patrick Agnew
.....	Sir Patrick Agnew of Lochnaw	Sir Patrick Agnew	Sir Patrick Agnew	Sir Andrew Agnew
Sir A. Agnew, Ap. of Lochnaw	Sir Andrew Agnew	Sir Andrew Aguew	Sir Andrew Agnew	
.....	Patrick Agnew of Sheuchan	Patrick Agnew	Patrick Agnew of Sheuchan	Patrick Agnew
.....	.....	.....	Col. Alex. Agnew of Auchrocher	.....
.....	.....	.....	Alex. Agnew of Croach	Alex. Agnew of Croach
.....	.....	.....	Patrick Agnew of Wigg	P. Agnew of Wigg
.....	.....	.....	Patrick Agnew of Galdenoch	.....
J. M'Dowall of Garthland	J. M'Dowall of Garthland	J. M'Dowall of Garthland	J. M'Dowall of Garthland	J. M'Dowall of Garthland
Alex. M'Douall of Logan	A. M'Douall of Logan	A. M'Douall of Logan	A. M'Douall of Logan	A. M'Douall of Logan
.....	.....	.....	Pat. M'Dowall, yr. of Logan	P. M'Douall yr. of Logan
Uchtred M'Dowall of Freuch	U. M'Dowall of Freuch	U. M'Dowall of Freuch	U. M'Dowall of Freuch	U. M'Dowall of Freuch
.....	.....	A. M'Dowall of Killeser	A. M'Dowall of Killeser	A. M'Dowall of Killeser
.....	.....	.....	M'Dowall, yr. of Killeser	.....
.....	.....	A. M'Dowall of Lesnoll	A. M'Dowall of Lesnoll	A. M'Dowall of Lesnoll
.....	.....	M'Dowall of Dalreagle	M'Dowall of Dalreagle	.....
.....	Hugh M'Dowall of Knockglass	H. M'Dowall of Knockglass	H. M'Dowall of Knockglass	H. M'Dowall of Knockglass
Sir Robert Adair of Kinhilt	.....	Sir Robert Adair	Sir Robert Adair	Sir Robert Adair
.....	.....	.....	.....	Apparent of Kilhilt
.....	John Dunbar of Mochrum	John Dunbar of Mochrum	Laird of Mochrum	.....
.....	A. Dunbar (his son)	A. Dunbar	Dunbar, yr. of Mochrum	.....
.....	David Dunbar of Baldoon	D. Dunbar of Baldoon	D. Dunbar of Baldoon	D. Dunbar of Baldoon
.....	J. M'Culloch of Mertoun	J. M'Culloch of Mertoun	J. M'Culloch of Mertoun	J. M'Culloch of Mertoun
.....	Alex. M'Culloch of Ardwell	A. M'Culloch of Ardwell	A. M'Culloch of Ardwell	A. M'Culloch of Ardwell
.....	.....	M'Culloch of Drummorell	M'Culloch of Drummorell	M'Culloch of Drummorell

J. Vaus of Barnbarroch	J. Vaus of Barnbarroch	J. Vaus of Barnbarroch	J. Vaus of Barnbarroch	.....
W. Gordon of Craichlaw	W. Gordon of Craichlaw	W. Gordon of Craichlaw	W. Gordon of Craichlaw	.....
.....	.....	.....	W. Gordon of Grange	W. Gordon of Grange
.....	.....	.....	Gordon of Balmeg	.....
.....	.....	.....	Stewart of Tonderghie	Col. W. Stewart of Castle-Stewart
.....	.....	Stewart of Fintalloch	Stewart of Fintalloch	.....
.....	.....	Stewart of Physgill	.....	.....
Thomas Hay of Park	Thomas Hay of Park	Thomas Hay of Park	Thomas Hay of Park	Thomas Hay of Park
.....	.....	Francis Hay of Arioland	F. Hay of Arioland	F. Hay of Arioland
James Ross of Balneil	.....	James Ross of Balneil	James Ross of Balneil	.....
John Murray of Broughton	John Murray of Broughton	.....	J. Murray of Broughton	.....
.....	Hugh Kennedy of Sinniness	.....	H. Kennedy of Sinniness	H. Kennedy of Sinniness
.....	.....	.....	W. Kennedy of Gillespie	W. Kennedy of Gillespie
.....	J. Kennedy (Factor to Cassilis)	John Kennedy, Factor	J. Kennedy, Factor to Cassilis	J. Kennedy, Factor to Earl of Cassilis
.....	.....	Wm. Maxwell of Monreith	W. Maxwell of Monreith	W. Maxwell of Monreith
.....	John Cathcart of Genoch	.....	J. Cathcart of Genoch	J. Cathcart of Genoch
.....	G. Neilson of Craigcaffie	G. Neilson of Craigcaffie	G. Neilson of Craigcaffie	G. Neilson of Craigcaffie
.....	.....	.....	Baillie of Dunragit	.....
Fergus Kennedy, Provost of Stranrawer	Fergus Kennedy, Provost of Stranrawer	T. Adair, Provost of Stranrawer	Provost of Stranrawer	T. Adair, Provost of Stranrawer
Patk. Ahannay, Provost of Wigtown	Pat. Ahannay, Provost of Wigtown	P. Ahannay, Provost	Provost of Wigtown	Adam M'Kie, Baillie of Wigtown
.....	.....	.....	Provost of Whithorn	James M'Culloch, Burgess of Whithorn
.....	.....	J. Houstoun of Drummastoun	J. Houstoun of Drummastoun	.....
.....	.....	.....	Laird of Larg	W. Houstoun of Cutreoch
.....	.....	.....	Mackie of Cairn	.....
.....	.....	.....	Laird of Little Dunragit	.....
.....	.....	.....	Mr. James Blair	.....
Laird of Garthland, *Convener*	Earl of Cassilis, and Lord Garlies, *Conveners*	(No Convener named in the Act of Parliament)	Patrick Agnew of Sheuchan, *Convener*	Patrick Agnew of Sheuchan, *Convener*

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ERRATA.

Page 12, line 11, *for* "province," *read* "population."
Page 14, line 14, *for* "and that all," *read* "that all its."
Page 19, line 30, *for* "approached," *read* "amounted."
Page 21, line 16, *for* "soon receiving," *read* "as he received."
Page 22, line 21, *for* "spontaneously sent to propose," *read* "proposed of their own accord."
Page 23, line 13, *for* "Though thus defeated," *read* "But though defeated."
Page 40, line 14, *after* "anterior to 1330," *for* a semi-colon *put* a full stop.
Page 40, line 18, *for* "There was, we may feel," *read* "There was then, we feel."

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Agnew, Andrew.

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